

Anno Regni

GEORGII III.

R E G I S

Magne Britannie, Francie, & Hibernie,

U N D E C I M O.

At the Parliament begun and holden at *Westminster*, the Tenth Day of *May*, *Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Thirteenth Day of *November*, 1770, being the Fourth Session of this present Parliament of *Great Britain*.



L O N D O N :

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MDCCLXXI.

Anno undecimo 1

GEORGE III. Regis.

An Act for punishing Mutiny and
Desertion; and for the better
Payment of the Army and their
Quarters.

W H E R E A S the raising
or keeping a Stand-
ing Army within this
Kingdom in Time of Peace, un-
less it be with Consent of Parlia-
ment, is against Law; and whereas
it is judged necessary that Ma-
jesty, and this present Government,
that a Body of Forces should be
continued for the Safety of this
Kingdom, the Defence of the Pos-
sessions of the Crown of Great Bri-
tain, and the Preservation of the
Balance

Anno undecimo

GEORGH III. Regis.

*An Act for punishing Mutiny and
Desertion; and for the better
Payment of the Army and their
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I. **W**HEREAS the raising Preamble.
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ing Army within this
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it is judged necessary by His Ma-
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that a Body of Forces should be
continued for the Safety of this
Kingdom, the Defence of the Pos-
sessions of the Crown of *Great Bri-
tain*, and the Preservation of the
Balance

Number of
Forces 23,432,
including
2102 Invalids.

Anno Regni undecimo

lance of Power in *Europe*; and that the whole Number of such Forces should consist of Twenty-three thousand four hundred and thirty-two effective Men, including Two thousand one hundred and two Invalids. And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by martial Law, or in any other Manner than by the Judgement of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny, or stir up Sedition, or shall desert His Majesty's Service within this Realm, or the Kingdom of *Ireland*, *Jersey*, *Guernsey*, *Alderney*, and *Sark*, or the Islands thereto belonging, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow;

Private Man
and
Officer and
every
the Conting-
ence of this
1741, during
Affairs

low: be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *March*, One thousand seven hundred and seventy-one, if any Person being mustered, or in Pay as an Officer, or who is, or shall be listed, or in Pay as a Soldier, and on the Twenty-fourth Day of *March*, One thousand seven hundred and seventy-one, shall remain in such Service, or shall, during the Continuance of this Act herein after mentioned, voluntarily enter himself in His Majesty's Service as a Soldier, shall, at any Time, during such Continuance of this Act, within the Realm of *Great Britain*, or in the Kingdom of *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, or in the Island

After the *March* 1771, during the Continuance of this Act, every Officer and Private Man;

of *Mingres*, or in His Majesty's
 Garrison of *Gibraltar*, or in any
 His Majesty's Dominions beyond
 the Seas respectively, begin, excite,
 cause, or join in any Mutiny or Se-
 dition, in the Regiment, Troop, or
 Company to which he doth belong,
 or in any other Regiment, Troop,
 or Company, either of His Majesty's
 Land or Marine Forces, in His
 Majesty's Service, or shall not use his
 utmost Endeavours to suppress the
 same, or coming to the Knowledge
 of any Mutiny, or intended Mutiny,
 shall not without Delay, give Infor-
 mation thereof to his Commanding
 Officer, or shall desert His Majesty's
 Service; or, being a Soldier actually
 listed in any Regiment, Troop, or
 Company, shall list himself in any
 other Regiment, Troop, or Com-
 pany, without a Discharge pro-
 duced in Writing from the Co-
 lonel, or, in his Absence, the Field
 Officer commanding in Chief the
 Regiment, Troop, or Company,
 in which he last served as a listed
 Soldier; or shall be found sleeping
 upon

upon his Post, or shall leave it before relieved; or if any Officer or Soldier in His Majesty's Army shall, either upon Land, within or out of Great Britain, or upon the Sea, hold Correspondence with any Rebel, or Enemy of His Majesty, or give them Advice or Intelligence, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat with such Rebels or Enemies, or enter into any Condition with them, without His Majesty's Licence, or Licence of the General, Lieutenant General, or Chief Commander; or shall strike or use any Violence against his superior Officer, being in the Execution of his Office; or shall disobey any lawful Command of his superior Officer; all and every Person and Persons so offending in any of the Matters before mentioned, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

or hold illegal Correspondence with the Enemies of His Majesty,

or shall strike, or disobey his superior Officer; shall suffer Death, or such Punishment as a Court-martial shall inflict.

II. And be it further enacted by the Authority aforesaid, That His Majesty's Commandment shall be, That every Soldier, or shall be found sleeping upon

The King's Commandment a Court-martial, &c.

His Majesty may, from Time to Time, grant a Commission under His Royal Sign Manual, to any Officer, not under the Degree of a Field Officer, for the holding a General Court-martial within this Realm; and also grant His Warrant to the Lord Lieutenant of Ireland, or other Chief Governor or Governors there for the Time being, or the Governor or Governors of *Minorca*, *Gibraltar*, and any of His Majesty's Dominions beyond the Seas respectively, or the Person or Persons there commanding in Chief, from Time to Time, to appoint Courts-martial in the Kingdom of *Ireland*, and other Places and Dominions respectively, in which Courts-martial all the Offences above mentioned, and all other Offences herein after specified, shall be tried and proceeded against in such Manner as by this Act shall be hereafter directed.

III. And be it also further enacted, That it shall and may be law-
ful

Courts-mar-
tial may inflict

ful to and for such Courts-martial, by their Sentence or Judgement, to inflict Corporal Punishment, not extending to Life or Limb, on any Soldier for Immoralities, Misbehaviour, or Neglect of Duty.

Corporal Punishment for Immoralities, &c.

IV. And it is hereby further enacted and declared, That no General Court-martial which shall have Power to sit by virtue of this Act, shall consist (except within the Garrisons of *Goree* and *Senegal*, or upon any Detachments made from those Garrisons) of a less Number than Thirteen, whereof none to be under the Degree of a Commission Officer; but in the said Garrisons of *Goree* and *Senegal*, or upon any Detachments therefrom, a General Court-martial may consist of any Number not less than Five, whereof none to be under the Degree of a Commission Officer; and the President of such General Court-martial shall neither be the Commander in Chief, or Governor of the Garrison where the Offender shall be

General Court-martial not to consist of less than 13; (except within the Garrisons of *Goree* and *Senegal*, &c.) and the President to be a Field Officer, or Officer next in Seniority, not under the Degree of a Captain; (except in the Garrisons of *Goree* and *Senegal*, where they are to consist of 5 at least.)

May admini-
ster an Oath
to Witnesses.

Officers to be
sworn.

tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor in any Case whatsoever under the Degree of a Captain; and that such Court-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness, in order to the Examination or Trial of any of the Offences that shall come before them.

V. Provided always, That in all Trials of Offenders by General Courts-martial, to be held by virtue of this Act, every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the following Oaths upon the Holy Evangelists, before the Court and Judge Advocate, or his Deputy (who are hereby authorised to administer the same) in these Words; that is to say,

I swear I will faithfully discharge the Duty of my Office, and will not be influenced by any partiality or prejudice, or by any undue Influence, or by any improper Consideration, in the Execution of my Office.

YOU shall well and truly try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King's Majesty and the Prisoner to be tried.

So help you GOD.

IA B do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I further swear, That I will not divulge the Sentence of the Court, until it shall be approved by His Majesty, or by some Person duly authorised by him; neither will I, upon any Account,

The Oath.

The Oath.

count, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:

So help me GOD.

The Judge
Advocate to
be sworn.

VI. And so soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, an Oath in the following Words:

The Oath.

I A B do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:

So help me GOD.

VII. And

VII. And no Sentence of Death shall be given against any Offender in such Case by any General Court-martial, except in the Garrisons of *Goree* and *Senegal*, or upon any Detachment made from those Garrisons, unless Nine Officers present shall concur therein; and in all Cases where a Court-martial shall consist of more Officers than Thirteen, as likewise within the said Garrisons of *Goree* and *Senegal*, and upon any Detachment made from those Garrisons, when any Court-martial shall consist of a lesser Number of Officers, then the Judgement shall pass by the Concurrence of Two-thirds of the Officers present; and no Proceeding or Trial shall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

In Sentences of Death, what Number of Officers shall concur, &c.

Hours of Trial.

VIII. And be it further enacted and declared, That in the Case of any

Defenter may
be adjudged
to serve in any
Corps Abroad
for Life, or for
a Term of
Years; but re-
turning with-
out Leave be-
fore Expira-
tion of such
Term, he shall
suffer Death.

any Soldier tried and convicted of Desertion, whensoever the Court-martial, which shall pass Sentence upon such Trial, shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, if they shall think fit, to serve as a Soldier in any of the Corps station- ed in any of His Majesty's Domi- nions beyond the Seas, or in Fo- reign Parts, for Life, or for a certain Term of Years, according to the Degree of the Offence: And if such Soldier shall afterwards (without Leave from His Majesty, or from the Commanding Officer of the Corps in which he shall be appoint- ed to serve) return into this Realm, or the Kingdom of *Ireland*, before the Expiration of the Term limit- ed by such Sentence, and shall be convicted thereof by a Court-mar- tial, he shall suffer Death.

IX. Provided always, That the Party tried by any General Court- martial

martial in the Kingdom of Great Britain or Ireland, or in Jersey, Guernsey, Alderney, Sark, or Man, or the Islands thereto belonging, shall be intitled to a Copy of the Sentence and Proceedings of such Court-martial, upon Demand thereof made by himself, or by any other Person or Persons on his Behalf (he or they paying reasonably for the same) at any Time not sooner than Three Months after such Sentence; and in the Case of Trials by any General Court-martial at Gibraltar or Minorca, at any Time not sooner than Six Months after the Sentence given by such Court-martial; and in the Case of Trials by any General Court-martial in His Majesty's other Dominions beyond the Seas, or in Foreign Parts, at any Time not sooner than Twelve Months after the Sentence given by such Court-martial, whether such Sentences be approved or not; any Thing in this Act to the contrary notwithstanding.

B

X. Pro-

Original Proceedings, &c. of Courts-martial to be transmitted to the Judge Advocate General in *London*, &c.

X. Provided also, and be it enacted by the Authority aforesaid, That every Judge Advocate, or Person officiating as such, at any General Court-martial, do, and he is hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the Original Proceedings and Sentence of such Court-martial, to the Judge Advocate General in *London*; which said Original Proceedings and Sentence shall be carefully kept and preserved in the Office of such Judge Advocate General, to the End that the Persons intitled thereto may be enabled, upon Application to the said Office, to obtain Copies thereof, according to the true Intent and Meaning of this Act.

Proceedings of Courts-martial, or Entries or Copies thereof, not liable to Stamp-duties.

XI. Provided also, and be it further enacted and declared, That none of the Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, shall be charged or chargeable with any Stamp-duty whatsoever, any

any Thing contained in any former Act or Acts to the contrary notwithstanding.

XII. Provided always, and be it hereby declared and enacted, That no Officer or Soldier being acquitted or convicted of any Offence, be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Sentence given by any Court-martial, and signed by the President thereof, be liable to be revised more than Once.

None to be tried a second Time for the same Offence, except in case of Appeal.

XIII. Provided always, That nothing in this Act contained shall extend, or be construed to exempt any Officer or Soldier whatsoever, from being proceeded against by the ordinary Course of Law.

This Act not to exempt Soldiers from ordinary Process.

XIV. And for preventing of Fraud and Deceit in the mustering of Soldiers, be it further enacted by the Authority aforesaid, That if any Person do make or give, or procure

Penalty on false Certificates to excuse Soldiers from Mustering.

procure to be made or given, any false or untrue Certificates, whereby to excuse any Soldier for his Absence from any Muster, or any other Service which he ought to attend or perform, upon Pretence of being employed on some other Duty of the Regiment, or of Sickness, being in Prison, or on Furlough; that then every such Person, so making, giving, or procuring such Certificate, shall, for every such Offence, forfeit the Sum of Fifty Pounds, and shall be forthwith cashiered and displaced from his Office, and shall be thereby utterly disabled to have or hold any Military Office or Employment within this Realm, nor in His Majesty's Service; and no Certificate shall excuse the Absence of any Soldier, but for the Reasons above mentioned, or One of them; and the Commissary of the Musters is hereby directed to set down on the Roll, at the Time of the taking of the Muster, the Reason of the Absence of such Soldier respectively, and by whom

whom certified ; and not to set down any such Excuse, without View of such Certificate.

XV. And be it further enacted by the Authority aforesaid, That every Officer that shall make any false or untrue Muster of Man or Horse, and every Commissary, Muster-master, or other Officer, who shall wittingly or willingly allow or sign the Muster-roll, wherein such false Muster is contained, or any Duplicate thereof ; and also every Commissary, Muster-master, or other Officer, who shall directly or indirectly take, or cause to be taken, any Sum or Sums of Money, or any other Gratuity on or for the mustering any Regiment, Troop, or Company, or on or for the signing of any Muster-rolls, or any Duplicate thereof, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, to be thereupon called (which is hereby authorised and required to administer such Oath) shall, for such Offence,

Penalty on
Officers mak-
ing false Mus-
ters, &c.

be forthwith cashiered and displaced from such his Office, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service.

XVI. And whereas His Majesty hath been graciously pleased, in Compassion to the distressed Condition of several Widows of Officers of the Army, who have lost their Lives in the Service of the late War, or during the late Rebellion, by Orders made under His Royal Sign Manual, to direct His Commissary General of the Musters, to allow upon the Muster-rolls of all the Regiments, Troops, and Companies, a Number of fictitious Names therein mentioned, instead of private Men, in order to raise and settle a Fund for the Maintenance of such Widows of Officers as are or shall be intitled to His Royal Bounty: And whereas His Majesty has been graciously pleased, under His Royal Sign Manual, to give the like Directions to His Commissary

missary General of the Musters, and has appointed a Receiver for the Purposes aforesaid, and directed the Paymaster General, and the Paymaster of the Marines, by like Orders under His Sign Manual, to pay over the full Pay of such fictitious private Men to such Receiver, to be distributed to such Widows, according to His Instructions in that Behalf; be it further enacted and declared by the Authority aforesaid, That no Allowance of any such fictitious Name upon any Muster-roll shall be construed to be a false Muster; any Thing in this or any former Act contained to the contrary notwithstanding.

Fictitious Names allowed by His Majesty's Order upon the Muster-rolls, for the Maintenance of Officers Widows, not to be construed a false Muster.

XVII. And be it further enacted by the Authority aforesaid, That every Commissary or Muster-master, upon any Muster to be made, had, or taken by him or them, shall, by a convenient Time before such Muster made, give Notice to the Mayor, or other Chief Magistrate, or Officer of the Place where the said Soldiers so to be mustered

Muster-master to give Notice of Muster to Mayor, &c.

Penalty on
Muster-master
neglecting so
to do.

Muster-rolls
to be signed by
the Mayor,
&c.

shall be quartered; who is hereby required to be present at every such Muster, and give his utmost Assistance for the discovering any false or untrue Muster there made, or offered to be made; and that every such Commissary or Muster-master making or taking such Muster, that shall neglect to give such Notice as aforesaid; or shall refuse to take the Aid and Assistance of such Mayor, Chief Magistrate, or Officer, where the Soldiers to be mustered shall be quartered, shall forfeit the Sum of Fifty Pounds, and shall be discharged from his Office; and no Muster-roll shall be allowed, unless the same be signed by the said Mayor, or other Chief Magistrate, or Officer respectively: But in case such Mayor, Chief Magistrate, or Officer shall not, upon due Notice given, attend such Muster, or shall refuse to sign such Muster-roll, without giving good and sufficient Reasons for such his Refusal; that then the Commissary may proceed to muster such Regiment, Troop, or

or Company, without incurring the said Penalty; and such Muster-roll shall be allowed, though not signed as aforesaid; provided that Oath be made before any of His Majesty's Justices of the Peace within Forty-eight Hours after such Muster; and the said Muster-roll shall then be produced, and examined by the said Justice of the Peace, who is hereby required to sign the same, if there shall appear to be no good or sufficient Objection to the same.

XVIII. And be it further enacted by the Authority aforesaid, That if any Person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon Proof thereof made upon Oath by Two Witnesses before the next Justice of the Peace for the County where such Muster shall be made, and upon Certificate thereof in Writing under the Hand of the Commissary of the Musters, or Chief Magistrate, as aforesaid, made to such Justice of the Peace, the said Justice is hereby authorized and required to

Penalty on
Persons offer-
ing themselves
to be falsely
mustered.

Horses falsely
mustered, to
be forfeited,
&c.

Forfeiture
how to be
levied.

to commit such Offender to the House of Correction, there to remain for the Space of Ten Days ; and if any Person shall wittingly or willingly lend or furnish any Horse to be mustered, which shall not truly belong to the Trooper or Troop so mustered ; the said Horse so falsely mustered shall be forfeited to the Informer, if the same doth belong to the Person lending or furnishing the said Horse ; or otherwise the Person lending or furnishing the said Horse shall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witnesses before the next Justice of the Peace ; which Twenty Pounds shall be levied by Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Persons so offending, rendering the Overplus, if any be, to the Owner ; and in case such Offender shall not have sufficient Goods and Chattels, whereon Distress may be made, to the Value of the Penalty to be recovered against him,

him, or shall not pay such Penalty within Four Days after such Conviction, then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publicly whipped, at the Discretion of such Justice; and the said Forfeiture shall be to such Person or Persons that shall give Information thereof; and the said Informer or Informers, if belonging to the Service, shall have a Right to be discharged forthwith, if he or they shall demand the same.

XIX. And be it further enacted by the Authority aforesaid, That every Commission Officer, Storekeeper, or Commissary, that shall embezzil or misapply, or cause to be embezzilled, or misapplied, or shall wilfully, or through Neglect, suffer any Provisions, Forage, Arms, Clothing, Ammunition, or other Military

Officer em-
bezziling, &c.
Military
Stores,

to be cashier-
ed, and forfeit
100 l. and the
Damage to be
made good by
Sale of his
Goods and
Chattels;

for want of
Distress, the
Person to be
committed.

Application of
the Forfeiture.

Military Stores, to be spoiled or damaged, upon Proof thereof upon Oath made by Two Witnesses, before a General Court-martial (which is hereby authorised and required to administer such Oath) shall be forthwith dismissed His Majesty's Service, and forfeit the Sum of One hundred Pounds, and is hereby required to make good, at his own Expence, the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to seize the Goods and Chattels of the Person so offending, and sell them for the Payment of the said One hundred Pounds, and such Damage; and if sufficient Goods and Chattels cannot be found and seised, then the Person so offending shall be committed to Prison, or the Common Gaol, to remain there for Six Months without Bail or Mainprize, and until he shall pay such Deficiency; and after the said Sum shall be recovered and levied, the same shall be

be applied and disposed of, as His Majesty shall direct and appoint.

XX. And be it further enacted by the Authority aforesaid, That every Commissary of the Musters, or Muster-master, either of the Land Forces or Marines, making or taking a Muster, do make Oath before the Mayor or Chief Magistrate attending the making or taking such Muster as aforesaid, if such Mayor or Chief Magistrate is attending be a Justice of the Peace, or otherwise before some other Justice of the Peace for the County where such Muster shall be taken (who is hereby authorized and required to administer the same without Fee or Reward) in Manner and Form following :

Muster-master, &c. taking a Muster, to make Oath.

I A B do swear, That I saw, at The Oath.
the Time of making the within
Muster, such Men or Horses as are
borne, and not respited, on the
Muster-roll, for which Men or
Horses a signed Certificate or Cer-
tificates

tificates are not indorsed on the Back of the Roll, certifying their being absent from the Muster by reason of being employed on some other Duty of the Regiment, or by being sick, in Prison, on Furlough, or at Grass, or by a signed Leave from the Colonel or Field Officer, or Officer commanding the Regiment, Troop, or Company.

Which Oath the said Commissary or Muster-master is hereby directed to insert and subscribe on the Back of the Muster-roll by him transmitted into the Office of the Commissary General of the Musters.

XXI. And whereas a Doubt hath arisen, whether the Oath directed to be inserted and indorsed on the Back of the Muster-roll (by the Act passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters) should not only be indorsed and

2 subscribed

subscribed on the Back of these Muster-rolls which are to remain with the respective Muster-masters General of His Majesty's Land Forces and Marines, but also on the Back of those Muster-rolls which are transmitted to the respective Paymasters of the said Land Forces and Marines, and by them returned into the Office of the Auditors of the Imprest; to obviate which Doubt, be it enacted and declared by the Authority aforesaid, That all such Muster-rolls as have been, or shall be, from Time to Time, transmitted to the said Paymasters General, and by them returned into the Office of the Auditors of the Imprest since the passing the said Act, shall be deemed good and sufficient Vouchers to the said Auditors of the Imprest, although the before-mentioned Oath be not inserted and indorsed on the Back of such Muster-rolls; any Thing in the said Act contained to the contrary in any wise notwithstanding.

Muster-rolls, tho' transmitted without the Oath indorsed to the Paymasters General, to be good Vouchers to the Auditor.

Penalty on
Agents, &c.
detaining Of-
ficers or Sol-
diers Pay.

Anno Regni undecimo

XXII. And be it further enacted,
That if any Paymaster, Agent, or
Clerk of any Garrison, Regiment,
Troop, or Company, shall wilfully
detain or withhold, by the Space
of One Month, the Pay of any
Officer or Soldier (Clothes and
all other just Allowances being
deducted) after such Pay shall be
by him or them received; or if
any Officers, having received their
Soldiers Pay, shall refuse to pay
each respective Non-commission
Officer and Soldier their respective
Pay, when it shall become due, at
the Rate of Seventeen Shillings
and Sixpence *per* Week for each
Corporal of Light Horse; Four-
teen Shillings *per* Week for each
Trumpeter and private Troop-
er; Nine Shillings and Eleven-
pence *per* Week for each Dra-
goon; Nine Shillings and Four-
pence *per* Week for each Serjeant;
Six Shillings and Two-pence *per*
Week for each Corporal; Five Shil-
lings *per* Week for each Trum-
peter and Drummer; Four Shillings

Weekly Rates.

per

per Week for each private Soldier of His Majesty's Three Regiments of Foot Guards; and Six Shillings *per* Week to each Serjeant; Four Shillings and Sixpence *per* Week to each Corporal and Drummer; and Three Shillings *per* Week to each Foot Soldier of any other Regiment or Independent Company; and at the End of every Two Months to account for One Shilling *per* Week to each Serjeant, and Two-pence *per* Week to each Corporal and Drummer, and Sixpence *per* Week to each Foot Soldier; the said One Shilling *per* Week, Two-pence *per* Week, and Sixpence *per* Week, being the Remainder of the Subsistence of each Serjeant, Corporal, Trumpeter, Drummer, and Foot Soldier; then, upon Proof thereof before a Court-martial as aforesaid, to be for that Purpose held and summoned by His Majesty's Order, every such Paymaster, Agent, Clerk, or Officer so offending, shall

C be

be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before the said Court, One hundred Pounds, to be levied as aforesaid; and the Informer, if a Soldier (if he demands it) shall be, and he is hereby discharged from any further Service; any Thing in this Act contained to the contrary notwithstanding: And the Commanding Officers of the Three Regiments of Foot Guards are hereby impowered, if they judge it necessary for the Good of the Service, to make the same Stoppages of One Shilling *per* Week from each Serjeant, Two-pence *per* Week for each Corporal and Drummer, and Six-pence *per* Week for each Foot Soldier; and at the End of every Two Months to account for the said One Shilling *per* Week to each Serjeant, and Two-pence *per* Week to each Corporal and Drummer, and Sixpence *per* Week to each Foot Soldier, in the same Manner

as

as is hereby directed for the Marching Regiments.

XXIII. And, for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the several Regiments, and Independent Troops and Companies, the said Agents are hereby required and directed to observe such Orders and Directions as shall, from Time to Time, be given by His Majesty, under His Sign Manual, or by the Lord Treasurer, or Commissioners of the Treasury for the Time being; and if any Agent shall refuse or neglect to observe and comply with such Orders and Directions, he shall be discharged from his Office, and be utterly disabled to have or hold any such Office in His Majesty's Service.

Penalty on Agents disobeying of Orders.

XXIV. And it is hereby enacted, That the Surgeon, or his Mate, shall, within the Cities of London and Westminster, and Ten Miles of the same, certify upon Oath to

Surgeon, &c. within Ten Miles of London, &c. to certify who are sick;

and Com-
manding Of-
ficer, who is
employed in
raising Re-
cruits.

the Muster-master, that he hath actually seen such Person as he certifies to be sick; and such Commanding Officer shall also certify the Names of such others as shall be employed in raising Recruits; and if such Certificate shall prove false, upon Conviction thereof, before a Court-martial, the Officer signing such Certificate shall suffer such Penalties, and in such Manner, as is declared and inflicted by this Act upon those who shall make false Musters; and the Commissary of the Musters is hereby directed to insert in the Docket annexed to the Muster-roll, the Place where, and the precise Day when, every Muster-roll is taken.

Penalty on
Officer mustering
Persons by
wrong Names.

XXV. And it is enacted, That if any Officer or Commissary shall muster any Person by a wrong Name knowingly, upon Conviction thereof before a General Court-martial, the said Officer or Commissary shall suffer such Penalties, and in such Manner, as is directed and

Georgii III. Regis.

and inflicted by this Act upon those who shall make false Musters.

XXVI. And whereas by *the Petition of Right*, in the Third Year of King *Charles* the First, it is enacted and declared, That the People of the Land are not by the Laws to be burthened with the Sojourning of Soldiers against their Wills; and by a Clause in an Act of Parliament made in the One and thirtieth Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty-two Pounds, Seventeen Shillings, and Three - pence, for paying and disbanding the Forces, it is declared and enacted, That no Officer, Civil or Military, nor other Person whatsoever, should from thenceforth presume to place, quarter, or billet any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree Quality, or Profession whatsoever, without his Consent; and that it

Anna Regni undecima

shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand or Warrant, or Billetting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of this Kingdom: be it further enacted by the Authority aforesaid, That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tythingmen, Headboroughs, and other Chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within England, Wales, and the Town of Berwick upon Tweed, and in their Default or Absence, for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others;

Constables,
 &c. to quarter
 Officers and
 Men in Inns,
 Ale-houses,
 &c.

thers; and such Constables and other Chief Magistrates as aforesaid, are hereby required to quarter and billet the Officers and Soldiers in His Majesty's Service, in Inns, Livery Stables, Ale-houses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses, or Places thereunto belonging; other than and except Persons who keep Taverns only, being Freemen of the Company of Vintners of the City of London, who were admitted to the Freedom before the Fifth Day of July. One thousand seven hundred and fifty-seven, or who since have, or shall hereafter be, admitted to their Freedom of the said Company, in Right of Patrimony or Apprenticeship; notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; and all Houses of Persons selling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, to be drank in Houses, other than

but in no Di-
stillers Houses,
or Shopkeep-
ers, or in any
private Houses

Penalty on
Constables,
&c. quartering
Soldiers in pri-
vate Houses,
&c.

and except the House or Houses of any Distillers, who keep Houses or Places of distilling Brandy and Strong Waters, and the House of any Shopkeeper, whose principal Dealings shall be more in other Goods and Merchandizes than in Brandy and Strong Waters (so as such Distillers and Shopkeepers do not permit or suffer Tippling in his or their Houses) and in no other, and in no private Houses whatsoever; nor shall any more Billets at any Time be ordered than there are effective Soldiers present to be quartered; And if any Constable, Tythingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any such private House, without the Consent of the Owner or Occupier, in such Case, such Owner or Occupier shall have his or their Remedy at Law against such Magistrate or Officer, for the Damage that such Owner or Occupier shall sustain

sustain thereby: And if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers before mentioned, tending to deter and discourage any of them from performing any Part of their Duty hereby required or appointed; such Military Officer shall, for every such Offence (being thereof convicted before any Two or more of the next Justices of the Peace of the County, by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace of the said County, and a Certificate thereof be transmitted to the Judge Advocate, who

Penalty on Officers quartering Soldiers contrary to this Act, &c.

Persons ag-
grieved by
being quarter-
ed on, may
complain to
any Justices,
and be reliev-
ed.

who is hereby obliged to certify the same to the next Court-martial: And in case any Person shall find himself aggrieved, in that such Constable, Tythingman, or Headborough, Chief Officer or Magistrate (such Chief Officer or Magistrate not being a Justice of the Peace) has quartered or billeted in his House a greater Number of Soldiers than he ought to bear in proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty, where such Soldiers are quartered; or in case such Chief Officer or Magistrate shall be a Justice of the Peace, then, on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justices respectively shall have, and have hereby Power to relieve such Person, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person

or

or Persons, as they shall see Cause ;
and such other Person or Persons
shall be obliged to receive such Sol-
diers accordingly,

XXVII. Provided also, and be it
further enacted, That no Justice or
Justices of the Peace, having or
executing any Military Office or
Commission in that Part of *Great
Britain* called *England*, shall or
may, during the Continuance of
this Act, directly or indirectly be
concerned in the quartering, billet-
ting, or appointing any Quarters for
any Soldier or Soldiers in the Regi-
ment, Troop, or Company, under
the immediate Command or Com-
mands of such Justice or Justices,
according to the Disposition made
for quartering of any Soldier or
Soldiers by virtue of this Act ; but
that all Warrants, Acts, Matters,
or Things, executed or appointed by
such Justice or Justices of the Peace
for or concerning the same, shall be
void ; any Thing in this Act contain-
ed to the contrary notwithstanding.

No Justice
having any
Military Of-
fice, to be
concerned in
billetting his
Soldiers.

XXVIII. Pro-

Officers and
Soldiers to pay
Rates for their
Provisions,

What Inn-
holders may
allow Men
quartered on
them, instead
of Meat.

Anno Regni undecimo

XXVIII. Provided nevertheless, and it is hereby enacted, That the Officers and Soldiers so quartered and billeted as aforelaid, shall be received and furnished with Diet and Small Beer by the Owners of the Inns, Livery Stables, Ale-houses, Victualling-houses, and other Houses in which they are allowed to be quartered and billeted by this Act; paying and allowing for the same the several Rates herein after mentioned to be payable out of the Subsistence-money for Diet and Small Beer.

XXIX. Provided always, That in case any Innholder or other Person on whom any Non-commission Officers or private Men shall be quartered by virtue of this Act (except on a March, or employed in recruiting; and likewise except the Recruits by them raised, for the Space of Seven Days at most, for such Non-commission Officers and Soldiers who are recruiting, and Recruits by them raised) shall
be

be desirous to furnish such Non-commission Officers or Soldiers with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints for each Man *per Diem, gratis*, and allow to such Non-commission Officers or Soldiers the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then, and in such Case, the Non-commission Officers and Soldiers so quartered shall provide their own Victuals; and the Officer to whom it belongs to receive, or that does actually receive, the Pay and Subsistence of such Non-commission Officers and Soldiers, shall pay the several Sums herein after mentioned to be payable out of the Subsistence-money for Diet and Small Beer, to the Non-commission Officers and Soldiers aforesaid, and not to the Innholder

holder or other Person on whom such Non-commission Officers and Soldiers are quartered; any Thing herein contained to the contrary notwithstanding.

Penalty on taking Money to excuse any Person from quartering.

XXX. Provided always, and be it enacted by the Authority aforesaid, That if any Officer shall take, or cause to be taken, or knowingly suffer to be taken, any Money of any Person for excusing the quartering of Officers or Soldiers, or any of them, in any House allowed by this Act, every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

XXXI. And whereas great Inconveniencies have arisen, and may arise, in such Places where Horse or Dragoons are or may be quartered, by the billeting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act, be it therefore enacted by the Authority

thority aforesaid, That in all Places where Horse or Dragoons shall be quartered or billeted in pursuance of this Act, for the future the Men and their Horses shall be billeted in one and the same Houses (except in case of Necessity) and that in no other Case whatsoever there be less than One Man billeted where be less than One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in such Case each Man shall be billeted as near his Horse as possible.

XXXII. And whereas some Doubts have arisen, whether Commanding Officers of any Regiment, Troop, or Company, may exchange any Men or Horses quartered in any Town or Place with another Man or Horse quartered in the same Place, for the Benefit of the Service; be it declared and enacted by the Authority aforesaid, That such Exchange as above mentioned may be made by such Commanding Officers

Dragoons, &c.
and their
Horses, to be
billeted in the
same Houses,

Manner of
changing Men
and Horses.

ficers respectively, provided the Number of Men, or Horses, do not exceed the Number at that Time billeted on such House or Houses; and the Constables, Tythingmen, Headboroughs, and other Chief Officers and Magistrates of the Cities, Towns, and Villages, or other Places where any Regiment, Troop, or Company shall be quartered, are hereby required to billet such Men and Horses so exchanged accordingly.

Clause relating to a Soldier's Settlement for his Wife and Children.

XXXIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Two or more Justices of the Peace for the County, Town, or Place where any Non-commission Officer or Soldiers shall be quartered, in case such Non-commission Officer or private Soldier have either Wife, or Child, or Children, to cause such Non-commission Officer or Soldier to be summoned before them, in the Town or Place where such Non-commission Officer or Soldier shall

shall be quartered, in order to make Oath of the Place of their last legal Settlement; (which Oath the said Justices are hereby impowered to administer;) and such Non-commission Officers and private Soldiers as aforesaid, are hereby directed to obey such Summons, and to make Oath accordingly; and such Justices are hereby required to give an attested Copy of such Affidavit so made before them, to the Person making the same, to be by him delivered to his Commanding Officer, in order to be produced when required; which attested Copy shall be at any Time admitted in Evidence, as to such last legal Settlement, before any of His Majesty's Justices of the Peace, or at any General or Quarter Session of the Peace: Provided always, That in case any Non-commission Officer or private Soldier shall be again summoned to make Oath as aforesaid, then on such attested Copy of the Oath by him formerly
D taken,

No P. Amster
to make
Deductions
out of Office
of private
Mort's Pay

taken, being produced by him, or by any other Person on his Behalf, such Non-commission Officer or Soldier shall not be obliged to take any other or further Oath with regard to his legal Settlement, but shall leave a Copy of such attested Copy of Examination, if required.

Officers, &c.
to be quarter-
ed in Scotland,
as the Laws in
Force at the
Union direct.

XXXIV. And be it enacted by the Authority aforesaid, That it shall and may be lawful to quarter Officers and Soldiers in Scotland, in such and the like Places and Houses as they might have been quartered in by the Laws in Force in Scotland at the Time of the Union; and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there, as by the said Laws in Force at the Time of the Union was provided; and that no Officer shall be obliged to pay for his Lodging, where he shall be regularly billeted, except in the Suburbs of Edinburgh.

XXXV. And be it further enacted by the Authority aforesaid,

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That

That from and after the Twenty-fourth Day of *March*, One thousand seven hundred and seventy-one, no Paymaster General, or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, or Muster-master, or any other Officer whatsoever, or their Under Officers, shall receive any Fees, or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty-fourth Day of *March*, One thousand seven hundred and seventy-one; other than the usual Deductions for Clothing, and Twelve-pence in the Pound to be disposed of as His Majesty shall think fit; and the One Day's Pay in the Year for the Use of the Royal Hospital at *Chelsea*; and such other necessary Deductions as shall from Time to Time be directed by His Majesty under His Royal Sign Manual.

No Paymaster, &c. to make Deductions out of Officers or private Men's Pay.

Exceptions.

XXXVI. And for the Encouragement of the due and well Cloth-

Treasury may
issue out the
Money due
for Clothing
every Two
Months.

Paymasters to
deduct the
Offreckon-
ings.

ing of the Troops, be it hereby further enacted, That the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, may, if he or they see convenient, at the End of every Two Months, issue the Money due for the Clothing of the several Regiments, Troops, and Companies, notwithstanding the Muster-rolls have not been duly returned: And the respective Paymasters are hereby directed to make Deductions of all Offreckonings, and to pay the same to such Person or Persons only as have a regular Assignment for Clothes by him or them delivered to the said Regiment, Troop, or Company: and the Receipt of such Person or Persons having or being lawfully intitled to such Assignment, to be from Time to Time taken for the same: And when no such Assignment appears, the Offreckonings to remain in the Hands of the said Paymaster respectively, for the Use of the Regiment, Troop, or Com-
pany

pany, until a new Contract for Clothing and Assignment is made.

XXXVII. And that the Quarters both of Officers and Soldiers in Great Britain, and in Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, may hereafter be duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted by the Authority aforesaid, That from and after the said Twenty-fourth Day of March, One thousand seven hundred and seventy-one, every Officer to whom it belongs to receive, or that does actually receive, the Pay or Subsistence-money, either for a whole Regiment, or particular Troops and Companies, or otherwise, shall immediately, upon each Receipt of every particular Sum which shall, from Time to Time, be paid, returned, or come to his or their Hands, on account of Pay or Subsistence, give publick Notice thereof to all Persons keeping Inns, or other Places where Officers or

Officers to
give Notice to
Innkeepers of
Subsistence-
money in their
Hands.

Soldiers are quartered by virtue of this Act; and shall also appoint the said Innkeepers, and others, to repair to their Quarters at such Times as they shall appoint for the Distribution and Payment of the said Pay or Subsistence-money to the Officers or Soldiers, which shall be within Four Days at the farthest after the Receipt of the same, as aforesaid; and the said Innkeepers, and others, shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Soldiers so quartered in their respective Houses; which Accounts the said Officer or Officers are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed, either to the Officers or Soldiers: Provided the said Accounts exceed not, for a Commission Officer of Horse, being under the Degree of a Captain, for such Officer's Diet and Small Beer, *per*

Diem,

Rates of Subsistence to be paid to Innkeepers, &c. for Soldiers Quarters.

Diem, Two Shillings; nor for One Commission Officer of Dragoons, being under the Degree of a Captain, for such Officer's Diet and Small Beer, *per Diem*, One Shilling; nor for One Commission Officer of Foot, under the Degree of a Captain, for such Officer's Diet and Small Beer, *per Diem*, One Shilling; and if such Officer shall have a Horse or Horses, for each Horse or Horses, for their Hay and Straw, *per Diem*, Sixpence; nor for One Light Horseman's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse, *per Diem*, Sixpence; nor for One Dragoon's Diet and Small Beer, *per Diem*, Sixpence; and Hay and Straw for his Horse, *per Diem*, Sixpence; nor for One Foot-soldier's Diet and Small Beer, *per Diem*, Four-pence; And if any Officer or Officers as aforesaid, shall not give Notice as aforesaid, and shall not immediately, upon producing such Account stated, satisfy, content, and

Penalty on
Officers not
paying Subsistence-money.

pay the same; upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were (which Oath the Justices of the Peace at such Sessions are hereby authorised and required to administer) the Paymaster or Paymasters of His Majesty's Guards and Garrisons, and Marines, are hereby required and authorised (upon Certificate of the said Justices before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers, upon Penalty that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster or Paymasters, and be discharged from holding the same for the future: And in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby

hereby authorized and required to deduct the Sums he or they shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong; and such Officer or Officers shall, for every such Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered. And where it shall happen that the Subsistence-money due to any Officer or Soldier shall, by occasion of any Accident, not be paid to such Officer or Soldier, or such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be, or are not paid, as this Act directs; and where any Horse, Foot, or Dragoons, shall be upon their March, so that no Subsistence can then be remitted to them, to make Payment as this Act directs, or they shall neglect to pay the same; in

On Nonpay-
ment of Quar-
ters, the Offi-
cer to make
up Accounts,
&c.

in every such Case it is hereby fur-
ther enacted, That every such Of-
ficer shall, before his or their De-
parture out of his or their Quarters,
where such Regiment, Troop, or
Company shall remain for any
Time whatsoever, make up the
Accounts, as this Act directs, with
every Person with whom such Re-
giment, Troop or Company shall
have quartered, and sign a Certifi-
cate thereof, and give the said Cer-
tificate, so by him signed, to the
Party to whom such Money is
due, with the Name of such Re-
giment, Troop, or Company, to
which he or they shall belong; to
the End the said Certificate may
be forthwith transmitted to the
Paymaster of His Majesty's Guards
and Garrisons, or to the Paymaster
of the Marines, who are hereby re-
quired immediately to make Pay-
ment thereof to the Person or Per-
sons to whom such Money shall be
due, to the End the same may be
applied to such Regiment, Troop,

the

or

or Company respectively, under Pain as is before in this Act directed for Nonpayment of Quarters.

XXXVIII. And be it further enacted, That no Commissary shall muster any Regiment, Troop, or Company, within the City of *Westminster*, and Borough of *Southwark*, and Liberties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the before-mentioned Penalty; unless such Justices, upon Forty-eight Hours Notice being given to Six of His Majesty's Justices of the Peace, residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Commissary may proceed to muster such Regiment, Troop, or Company; Provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty-eight Hours after such Muster taken, that such Notice was given to Six Justices of the

No Muster in *Westminster*, &c. but in the Presence of Two or more Justices.

the Peace, as aforesaid: Which Justices so attending, are hereby empowered to sign the said Muster-rolls, and to take Cognizance of such Muster, and to examine the Truth thereof, before they sign the same.

Constables,
&c. may billet
Soldiers in
Westminster,
&c.

XXXIX. And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the High Constables, Petty Constables, Headboroughs, and Tythingmen, within the said City and Liberties of *Westminster*, and Places adjacent, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's said Regiments of Foot-guards, in such Houses only as by this Act are limited, in and about the said City and Liberties of *Westminster*, and Places adjacent (except the City of *London*) during the Continuance of this Act: And when any Order shall issue for the quartering or billeting any Officers or Soldiers within the said City and Liberties

Petty Constables, &c. to
quarter Soldiers in their
respective Divisions.

of

of *Westminster*, and Places adjacent, the High Constable shall deliver out Precepts to the several Petty Constables, Headboroughs, or Tythingmen of each Parish, Ward, Hamlet, and District, within their respective Divisions, to billet and quarter such Officers and Soldiers of His Majesty's Regiments of Foot-guards on such Houses only as by this Act is limited within his respective Parish, Hamlet, or District; and such Petty Constables, Headboroughs, and Tythingmen, shall, in pursuance thereof, billet and quarter every such Officer and Soldier in such Houses so subjected thereto by this Act, equally and proportionably, according to the Number of such Officers and Soldiers so to be billeted and quartered, and of the Houses so subjected to receive them; and such Officers and Soldiers of the Foot-guards shall be quartered within the said City and Liberties of *Westminster*, and the Places adjacent,

cent, in the same Manner, and under the same Regulations, as in other Parts of England, in all Cases for which particular Provision is not made by this Act.

XL. And for the better preventing Abuses in billeting and quartering such Officers and Soldiers in the said City and Liberties of *Westminster*, and Parts adjacent, be it enacted by the Authority aforesaid, That the Petty Constables, Headboroughs, and Tythingmen, of their respective Parishes, Wards, Hamlets, and Districts within the same, shall at every General Quarter Sessions of the Peace, to be holden for the said City and Liberties of *Westminster*, and Parts adjacent, make and deliver to the Justices, then in open Sessions assembled, upon Oath (which Oath they the said Justices are hereby authorised and required to administer) true Lists signed by them respectively of all such Houses, together with the Number of all such Persons respectively

Constables,
&c. to deliver
Lists at Quarter
Sessions,
on Oath, of
Inhabitants
and Soldiers
quartered in
their respective
Divisions;

tively inhabiting the same, within his or their Parish, Ward, Hamlet, or District respectively, as are subject and liable by this Act to receive such Officers and Soldiers, together with the Number of all such Officers and Soldiers as are quartered and billeted in each House respectively; and such Lists shall remain with the Clerk of the Peace of the said City and Liberties of *Westminster*, to the Intent that all and every Person and Persons shall and may be at Liberty to inspect the same without Fee or Reward; and such Clerk shall forthwith, from Time to Time, make and deliver to every or any Person or Persons who shall require the same, true Copies of all and every or any such Lists, upon being paid Two-pence a Sheet for each and every such Copies so taken, each Sheet to be computed at, and contain One hundred and fifty Words; and if Default or Neglect shall be made by any Petty Constable, Headborough, or Tythingman

to be inspected without Fee.

Copies of such Lists to be wrote by the Clerk, at a *d* per Sheet, containing 150 Words.

Penalty on Default,

Penalty on
giving defec-
tive Lists.

ingman of any such Parish, Ward, Hamlet, or District, in the delivering such List to the Justices at their Quarter Sessions, as aforesaid, or if he or they shall so deliver, or cause to be delivered in, any false or defective List, not including and specifying therein all and every such House and Houses so liable by this Act, to receive such Officers and Soldiers, or the Names of all such Officers and Soldiers as are quartered and billeted in each House respectively; such Petty Constable, Headborough, and Tythingman, or any of them, so offending therein, shall, for each such Offence, forfeit each the Sum of Five Pounds, to the Use of the Poor of such respective Parishes, Wards, Hamlets, and Districts, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more of His Majesty's Justice or Justices of the Peace for the said City of Westminster.

How to be levied.

MA. LIX

E

ster,

Her, or for the County of *Middlesex*,
(which Warrant or Warrants the
said Justice or Justices is and are
hereby impowered and required to
make and issue) and for want of suf-
ficient Distress to be found for that
Purpose, the said Justice or Justices
is and are hereby impowered and re-
quired, by Warrant or Warrants un-
der his or their Hands and Seals, to
commit the Person or Persons so of-
fending to the Common Gaol of the
said City of *Westminster*, or County
of *Middlesex*, there to remain for any
Time to be limited by such Justice
or Justices, not exceeding Three
Months, and not less than One
Month, without Bail or Mainprize.

XLI. And be it further en-
acted by the Authority aforesaid,
That this Act shall be construed to
extend to the Islands of *Jersey*,
Guernsey, *Alderney*, *Sark*, and *Man*,
and the Islands thereto belonging,
as to the Clauses therein for mus-
tering and paying, and the Penal-
ties thereto belonging.

This Act to
extend to
Jersey, &c.

E

XLI. And

Muster-rolls
to be closed on
the Day of
the Muster,

and returned
to the Pay-
master of the
Forces, &c.

XLII. And be it further enacted by the Authority aforesaid, That the Commissary General of the Musters, or his Deputy, shall, upon every Muster taken by him or them respectively of any Regiment, Troop, or Company, in His Majesty's Service, close the Muster-rolls of the said Regiment, Troop, or Company, upon the Place, the same Day the Muster is taken; and shall return One of every of the said Rolls so taken in Parchment, to the Paymaster General of His Majesty's Guards and Garrisons, or to such Paymaster respectively, under whose Care the Payment of such Forces shall be; and One of the said Rolls so taken, to the Comptroller or Comptrollers of the Accounts of the Army, the Fourth Day after the said Rolls shall respectively be closed, if in London, or within Twenty Miles Distance from the same; and if at a further Distance, by the next Post after the said Rolls shall be respectively

pectively closed: And no Alterations or Indorsements shall be made in or upon the said Muster-rolls, other than in the Case of Orders of Leave, or Dates of Commissions, and other than involuntary Errors or literal Mistakes in writing or transcribing the said Muster-rolls, upon Pain of forfeiting their respective Employments, and the Sum of Twenty Pounds, to any Person that will sue for the same, for every such Offence. Penalty.

XLIII. And be it further enacted by the Authority aforesaid, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Clothes, or Accoutrements, in *England, Wales,* and the Town of *Berwick upon Tweed*, all Justices of the Peace within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces,

Justices may
order Constables to provide
Carriages.

or the Master-general or Lieutenant-general of His Majesty's Ordnance, shall, as often as such Order is brought and shewn unto One or more of them by the Quarter-master, Adjutant, or other Officer of the Regiment, Detachment, Troop, or Company so ordered to march, issue out his or their Warrants to the Constables or Petty Constables of the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company, shall be ordered to march; requiring them to make such Provision for Carriages, with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen: And in case sufficient Carriages cannot be provided within any such Liberty, Division, or Precinct; then the next Justice or Justices of the Peace of the County,

ty, Riding, or Division, shall, upon such Order, as aforesaid, being brought or shewn to One or more of them, by any of the Officers aforesaid, issue his or their Warrants to the Constables or Petty Constables of such next County, Riding, Liberty, Division, or Precinct, for the Purposes aforesaid, to make up such Deficiency: And the aforesaid Officer or Officers, who, by virtue of the aforesaid Warrant from the Justices of the Peace, are to demand the Carriage or Carriages therein mentioned, of the Constable or Petty Constable to whom the Warrant is directed, is and are hereby required at the same Time to pay down in Hand to the said Constable or Petty Constable, for the Use of the Person who shall provide such Carriages and Men, the Sum of One Shilling for every Mile any Waggon with Five Horses shall travel, and the Sum of One Shilling for every Mile any Wain with Six Oxen,

Rates for Carriages.

Oxen, or Four Oxen with Two
Horses, shall travel; and the Sum
of Nine-pence for every Mile any
Cart with Four Horses shall travel;
and so in proportion for less Car-
riages; for which respective Sums
so received, the said Constable or
Petty Constable is hereby required
to give a Receipt in Writing to
the Person or Persons paying the
same. And such Constable or Petty
Constable shall order and appoint
such Person or Persons, having
Carriages within their respective
Liberties, as they shall think pro-
per, to provide and furnish such
Carriages and Men, according to
the Warrant aforesaid, who are
hereby required to provide and
furnish the same accordingly. And
if any Military Officer or Officers,
for the Use of whose Troop or
Company the Carriage was pro-
vided, shall force and constrain any
Waggon, Wain, Cart, or Carriage,
to travel more than One Day's
Journey, or shall not discharge the
same

Penalty on
Officers force-
ing Waggon
to travel more
than One
Day's Jour-
ney, &c.

same in due Time for their Return Home, or shall suffer any Soldier or Servant (except such as are sick) or any Woman, to ride in the Waggon, Wain, Cart, or Carriage aforesaid, or shall force any Constable or Petty Constable, by Threatenings or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owners by themselves, Servants, or Soldiers, every such Officer, for every such Offence, shall forfeit the Sum of Five Pounds, Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Paymaster General, or other respective Paymaster of His Majesty's Forces, who is hereby required to pay the aforesaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County or Riding,

Riding, who are hereby impowered
to deduct the same out of such Of-
ficer's Pay.

Penalty on
Constables,
&c. Neglect.

XLIV. And be it enacted by the
Authority aforesaid, That if any
High Constable or Petty Constable
shall wilfully neglect or refuse to
execute such Warrants of the Jus-
tices of the Peace, as shall be di-
rected unto them for providing
Carriages as aforesaid; or if any
Person or Persons, appointed by
such Constable or Petty Constable
to provide or furnish any Carriage
and Man, shall refuse or neglect to
provide the same; or any other
Person or Persons whatsoever shall
wilfully do any Act or Thing,
whereby the Execution of the said
Warrant shall be hindered or fru-
strated; every such Constable, or
other Person or Persons so offend-
ing, shall, for every such Offence,
forfeit any Sum not exceeding Forty
Shillings, nor less than Twenty
Shillings, to the Use of the Poor
of the Parish where any such Of-
fence

ences shall be committed: And all and every such Offence and Offences shall and may be enquired of, heard, and fully determined, by Two of His Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner.

XLV. And whereas the respective Sums of Money by this Act appointed to be paid to the Constables by the Officers demanding such Carriages, are not, in many Cases, sufficient to answer the Charge and Expence of providing the same, inso-much that the said Constables are frequently at great Charges, over and above what is received by them of the said Officers, to the great Burthen of the Township of which he is Constable, or else the Persons performing such Carriages are grievously

Treasurers of
the County to
repay the Con-
stable's extra-
ordinary
Charges.

grievously oppressed: For Remedy
whereof, and that the said Over-
plus Charge may be borne by each
County or Riding, at the general
Charge of such County or Riding,
be it further enacted by the Autho-
rity aforesaid, That the Treasurer
or Treasurers of each respective
County or Riding shall, without
Fee or Reward, pay unto such Con-
stable all and every such reasonable
Sum or Sums of Money, so by him
paid or laid out for such Carriages,
over and above what was or ought
to have been paid by the Officer re-
quiring such Carriages, out of the
publick Stock of such County or
Riding, according to such Rates,
Orders, Rules, and Directions, as
the said Justices of the Peace, in
their Quarter Sessions. assembled,
within their respective Jurisdic-
tions, shall from Time to Time,
during the Continuance of this Act,
make, direct, and appoint (which
Orders shall be made without Fee
or Reward); Regard being always
had

had to the Season of the Year, and the Length and Condition of the Ways by and through which such Carriages are to travel.

XLVI. And in case the said publick Stock of the County or Riding be not sufficient (over and above the other Purposes for which it was raised) to satisfy the extraordinary Charge of Carriages before mentioned; it is hereby further enacted, That the said Justices of the Peace in the General Quarter Sessions shall have Power, from Time to Time, to raise Monies upon the respective Counties or Ridings in such Manner as they now raise Monies for County Gaols and Bridges, to satisfy the said extraordinary Charge of Carriages.

The Money for those Purposes how to be raised.

XLVII. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impressed by Authority of this Act, shall be liable or obliged, by virtue of this Act, to carry above Thirty hundred Weight; any Thing in this

No Waggon, &c. to carry above 30 hundred Weight.

this Act contained to the contrary notwithstanding.

**Carriages in
Scotland how
to be provided.**

XLVIII. And be it further enacted, That the Carriages for the Service of the Forces from Time to Time quartered or marching in Scotland, shall be provided in like Manner, and at the Rates, and the Furnisher of such Carriages shall be paid, as was directed by the Law in Force in Scotland at the Time of the Union.

**Soldiers
Wives, &c.
not to be
quartered
without Con-
sent.**

XLIX. And be it enacted by the Authority aforesaid, That if any Officer, Military or Civil, by this Act authorised to quarter Soldiers in any Houses hereby appointed for that Purpose, shall at any Time, during the Continuance of this Act, quarter any of the Wives, Children, Men, or Maid Servants of any Officer or Soldier in any such Houses, against the Consent of the Owners; the Party offending, if an Officer of the Army, shall, upon Complaint and Proof thereof made to the Com-

Penalty.

mander

mander in Chief of the Army, or Judge Advocate, be *ipso facto* cashiered; and if a Constable, Tythingman, or other Civil Officer, he shall forfeit to the Party aggrieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace, to be levied by Warrant of such Justice, by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same.

L. And for the better Preservation of the Game in or near such Place where any Officers or Soldiers shall at any Time be quartered; be it enacted by the Authority aforesaid, That if, from and after the said Twenty-fourth Day of *March*, One thousand seven hundred and seventy-one, any Officer or Soldier shall, without Leave of the Lord of the Manor, under his Hand and Seal first had and obtained, take, kill, or destroy any Hare, Coney, Pheasant, Partridge,

Penalty on Officers or Soldiers destroying the Game.

tridge, Pigeon, or any other Sort
of Fowls, Poultry, or Fish, or His
Majesty's Game, within the King-
dom of Great Britain, and upon
Complaint thereof shall be, upon
Oath of One or more credible Wit-
ness or Witnesses, convicted before
any Justice or Justices of the Peace,
who is and are hereby empowered
and authorised to hear and deter-
mine the same; (that is to say) Every
Officer so offending shall, for every
such Offence, forfeit the Sum of Five
Pounds, to be distributed among
the Poor of the Place where such
Offence shall be committed; and
every Officer commanding in Chief
upon the Place, for every such Of-
fence committed by any Soldier
under his Command, shall forfeit
the Sum of Twenty Shillings, to be
paid and distributed in manner a-
foresaid: And if, upon Conviction
made by the Justices of the Peace,
and Demand thereof also made by
the Constable or Overseers of the
Poor, such Officer shall refuse or
neglect,

neglect, and not within Two Days pay the said respective Penalties, such Officer so refusing or neglecting shall forfeit, and he is hereby declared to have forfeited his Commission, and his Commission is hereby declared to be null and void.

L.I. And be it enacted, That How the Account of every Regiment shall be kept. there shall be an exact Account of all Monies due, according to the Muster-rolls, to every Regiment in His Majesty's Service, made between the Paymaster-general, or other respective Paymasters of the Forces for the Time being, and the Colonel of every such Regiment, or the Agent by such Colonel respectively appointed and authorised to receive the Pay thereof, from Time to Time (that is to say) When Four Months become due, an Account shall be stated as aforesaid for the Two preceding Months; and after the said Account shall be so made up and perfected, it shall be registered in a Book to be kept for that Purpose in the Pay-office, and

and there subscribed by such Paymaster-general, or other respective Paymaster, or his Deputy, and the Colonel or Agent of the Regiment, who, together with the said Paymaster, made up the same; and a Duplicate thereof, by them respectively signed, shall be given to the said Colonel or Agent, without any Fee or Reward to be paid for the same: Which Colonel or Agent shall deliver to each Captain of the Regiment an Account of so much thereof as respectively appertained to him, and his Troop or Company, and the inferior Officers or Soldiers thereof; and the Balance, which shall remain upon making up every such Account as aforesaid, and also all other Money as then shall become due to every such Regiment, shall be, by the said Paymaster-general, or other respective Paymaster, paid to the said Colonel or Agent respectively, at such Time as His Majesty shall direct: And the Paymaster-general,

Penalty on
Paymasters,
&c.

ral, for other respective Paymaster
for the Time being, offending here-
in, shall forfeit, for every such Of-
fence, One hundred Pounds, to any
Person or Persons who shall inform
or sue for the same in any of His
Majesty's Courts of Record: And
if any Deputy of the said Pay-
master, or any Agent of a Regi-
ment shall offend in the Premi-
ses, upon Proof thereof made,
such Deputy or Agent shall *ipso*
facto lose his Place, and be inca-
pable of that or any other Office
for the future, and shall be liable
to pay Two hundred Pounds to
any Person who shall inform or
sue for the same, by Action, Bill,
Suit, or Information, in any Court
of Record at *Westminster*; wherein
no Essoin, Protection, Wager of
Law, or more than One Imparlance
shall be allowed: And if any Colo-
nel of a Regiment shall offend
therein, such Colonel shall forfeit,
for every such Offence, One hun-
dred Pounds, to any Person or Per-
sons

Penalty on
Colonels.

Penalty on
Colonels.

Non-commis-
sion Officer
embezzling
Soldier's Pay,
&c. to be re-
duced, &c.

sons who shall sue for the same, to
be recovered as aforesaid.

II. And be it further enacted
by the Authority aforesaid, That
every Non-commission Officer who
shall be convicted at a General or
Regimental Court-martial, of hav-
ing embezzled or misapplied any
Money with which he may have
been intrusted for the Payment of
the Men under his Command, or
for enlisting Men into His Majesty's
Service, shall be reduced to serve
in the Ranks as a private Soldier,
and be put under Stoppages until
the Money be made good, and suffer
such Corporal Punishment (not ex-
tending to Life or Limb) as the
Court-martial shall think fit.

Justices may
commit De-
serters.

III. And whereas several Sol-
diers being duly listed, do after-
wards desert, and are often found
wandering, or otherwise absenting
themselves illegally from His Ma-
jesty's Service; it is hereby further
enacted, That it shall and may be
lawful to and for the Constable,
Head.

Headborough, or Tythingman of the Town or Place, where any Person who may be reasonably suspected to be such a Deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such Person to be brought before any Justice of the Peace, living in or near such Town or Place, who hath hereby Power to examine such suspected Person, and if by his Confession, or the Testimony of One or more Witnesses or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, it shall appear, or be found, that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or Place where he shall be found, or to the House of Correction, or other publick Prison in such Town or Place where such Deserter shall be apprehended, or to the Navy,

in case such Defenter shall be apprehended within the City of London, or Westminster, or Places adjacent, and transmit an Account thereof to the Secretary at War for the Time being, to the End such Person may be proceeded against according to Law. And the Keeper of such Gaol, House of Correction, or Prison, shall receive the full Subsistence of such Defenter or Deserters, during the Time that he or they shall continue in his Custody, for the Maintenance of the said Defenter or Deserters; but shall not be intitled to any Fee or Reward on account of the Imprisonment of such Defenter or Deserters: any Law, Usage, or Custom to the contrary notwithstanding.

XLIV. And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters as aforesaid, be it further enacted by the Authority aforesaid, That such Justice of the Peace shall also issue his Warrant in Writing

Reward for
taking up De-
senter's,

to

to the Collector or Collectors of the Land Tax Money of the Parish or Township where such Deserter shall be apprehended, for paying, out of the Land Tax Money arisen or to arise in the Year One thousand seven hundred and seventy-one; into the Hands of such Person who shall apprehend, or cause to be apprehended, any Deserter from His Majesty's Service, the Sum of Twenty Shillings for every Deserter that shall be so apprehended, and committed; which Sum of Twenty Shillings shall be satisfied by such Collector or Collectors to whom such Warrant shall be directed, and allowed upon his Account.

LV. Provided always, That if any Person shall harbour, conceal, or assist any Deserter from His Majesty's Service, knowing him to be such; the Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds; or if any Person shall knowingly detain, buy, or exchange, or otherwise receive,

Penalty on Persons concealing Deserters, or buying their Arms, Clothes, &c.

any Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, nor any other Person, upon any Account or Pretence whatsoever, nor cause the Colour of such Clothes to be changed; the Person so offending shall forfeit for every such Offence the Sum of Five Pounds; and upon Conviction by the Oath of One or more credible Witnesses or Witnesses, before any of His Majesty's Justices of the Peace, the said respective Penalties of Five Pounds, and Five Pounds, shall be levied by Warrant under the Hands of the said Justice or Justices of the Peace, by Distress and Sale of the Goods and Chattels of the Offender; One Moiety of the said first-mentioned Penalty of Five Pounds to be paid to the Informer, by whose Means such Deserter shall be apprehended; and One Moiety of the said last-mentioned Penalty of Five Pounds to be paid to the Informer; and the Re-

fidue

fiduit of the said respective Penalties to be paid to the Officer to whom any such Deserter or Soldier did belong. And in case any such Offender, who shall be convicted, as aforesaid, of harbouring or assisting any such Deserter or Deserters, or having knowingly received any Arms, Clothes, Caps, or other Furniture belonging to the King, or having caused the Colour of such Clothes to be changed contrary to the Intent of this Act, shall not have sufficient Goods and Chattels whereon Distress may be made, to the Value of the Penalties recovered against him for such Offence, or shall not pay such Penalties within Four Days after such Conviction, then, and in such Case, such Justice of the Peace shall and may, by Warrant under his Hand and Seal, either commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Of-

Penalty on
Officer break-
ing open
House without
Warrant.

fender to be publickly whipped, at
the Discretion of such Justice

LVI. Provided always, That no
Commission Officer shall break open
any House to search for Deserters
without Warrant from a Justice
of the Peace; and that every Com-
mission Officer, who shall without
Warrant from One or more of His
Majesty's Justices of the Peace
(which said Warrants the said Ju-
stice or Justices are hereby impow-
ered to grant) forcibly enter into,
or break open the Dwelling-house
or Out-houses of any Person what-
soever, under Pretence of searching
for Deserters, shall, upon due
Proof thereof, forfeit the Sum of
Twenty Pounds.

His Majesty
impowered to
make Articles
of War.

LVII. Provided always, That it
shall and may be lawful to and for
His Majesty to form, make, and
establiſh Articles of War for the
better Government of His Majesty's
Forces, and for bringing Offend-
ers against the same to Justice;
and to erect and constitute Courts-
martial,

marshal, with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and inflict Penalties by Sentence or Judgement of the same, as well within the Kingdoms of Great Britain and Ireland, Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, as in the Island of Minorca, His Majesty's Garrison of Gibraltar, and in any of His Majesty's Dominions beyond the Seas.

LVIII. Provided always, That no Person or Persons shall be adjudged to suffer any Punishment, extending to Life or Limb, by the said Articles of War, within the Kingdom of Great Britain, and Ireland, Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, except for such Crimes as are expressed to be so punishable by this Act.

LIX. Provided also, and be it further enacted, That if any Officer or Soldier shall, in any of His Majesty's

None to be adjudged of Life or Limb, but for Crimes expressed to be so punishable by this Act.

Deserters beyond Sea, &c. may be tried here or in Ireland.

Majesty's Dominions beyond the Seas, or elsewhere beyond the Seas, commit any of the Offences triable by Courts-martial, by virtue of this Act, and shall come into this Realm, or Ireland, or into Jersey, Guernsey, Alderney, Sark, or Man, or the Islands thereto belonging, before he be tried by a Court-martial for such Offence, such Officer or Soldier shall be tried for the same, as if the said Offence had been committed within this Realm.

This Act to extend to Deserters, &c. in France, &c.

LIX. Provided always, That so much of this Act as relates to the Punishment of Mutineers and Deserters within this Realm, and such who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, or cause the Colour of such Clothes to be changed, shall extend, to all Intents and Purposes whatsoever, to such Governors, or other Officers in Garisons,

prisons, and Forces, as His Majesty has now in Pay, or shall have in Pay in Ireland, or in Jersey, Guernsey, Alderney, Sark, or Man, and the Islands thereto belonging, and shall be put in Execution in that Kingdom, by all Justices of the Peace, and other Officers respectively, according to the Tenor of and during the Continuance of this Act.

LXI. Provided also, That no Person or Persons being acquitted or convicted of any capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering.

Persons acquitted by the Civil Magistrate, may only be cashiered by a Court-martial.

LXII. Provided also, That if any Officer, Noncommission Officer, or Soldier, shall be accused of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land;

Persons accused of capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

Laid, the Commanding Officer of
 Officers of every Regiment, Troop,
 Company, or Party, is and are
 hereby required to use his utmost
 Endeavours to deliver over such
 accused Person to the Civil Magi-
 strate; and shall also be aiding and
 assisting to the Officers of Justice
 in the seizing and apprehending
 such Offender, in order to bring
 him to Trial: And if any such
 Commanding Officer shall wilfully
 neglect or refuse, upon Applica-
 tion made to him for that Purpose,
 to deliver over any such accused
 Person to the Civil Magistrate, or
 to be aiding and assisting to the
 Officers of Justice in the appre-
 hending such Offender; every such
 Officer so offending, and being
 thereof convicted before any Two
 or more Justices of the Peace
 for the County where the Fact
 is committed, by the Oath of
 Two credible Witnesses, shall be
 deemed and taken to be *ipso facto*
 cashiered, and shall be utterly
 disabled

disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service, provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge Advocate, who is hereby obliged to certify the same to the next Court-martial.

LXIII. Provided always, and be it enacted by the Authority aforesaid, That every present and future Paymaster, Agent, or Clerk of any Garrison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors and Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier, by him or them received; shall, on reasonable Demand made by such Executor or Administrator, deliver a just and true Account to any such Executor or Administrator, of such Sum or Sums of Money,

Paymasters,
&c. to account
with Executors.

as
shipped

as he or they shall have re-
spectively received for such Of-
ficer or Soldier, and for which they
ought so to account as aforesaid,
such Executor or Administrator
paying for the same, and shall ac-
count with such Executor or Ad-
ministrator for the same, and that
every such Paymaster, Agent, or
Clerk of any Garrison, Regiment,
Troop, or Company, offending
herein, shall forfeit the like Penal-
ties, and to be recovered in like
Manner, as appointed by this Act,
for such Colonels or Agents not
giving due Accounts of or for the
Pay of the said Officers or Sol-
diers, to and for such Officers and
Soldiers themselves.

Persons sued
may plead the
General Issue.

LXIV. And be it further enact-
ed by the Authority aforesaid, That
if any Action, Bill, Plaint, or Suit,
shall be brought against any Person
or Persons, for any Act, Matter, or
Thing, to be acted or done in pur-
suance of this Act, that it shall
and may be lawful to and for all
and

and any Person or Persons sued as
 aforesaid, to plead thereunto the
 General Issue, that he or they are
 Not Guilty, and to give such Spe-
 cial Matter in Evidence to the Jury
 which shall try the Issue; which
 Special Matter, being pleaded, had
 been a good and sufficient Matter
 in Law to have discharged the said
 Defendant or Defendants of the
 Trespass or other Matter laid to
 his or their Charge: And if the
 Verdict shall pass with the said
 Defendant or Defendants in any
 such Action, the Plaintiff or Plain-
 tiffs therein become Nonsuit, or
 suffer any Discontinuance thereof;
 that in every such Case, the Justice
 or Justices, or such other Judge
 before whom the said Matter shall
 be tried, shall, by Force and Virtue
 of this Act, allow unto the Defend-
 ant or Defendants his or their Tre-
 ble Costs, which he or they shall
 have sustained by reason of their
 wrongful Vexation in Defence of
 the said Action or Suit; for which

Treble Costs.

the said Defendants or Defendants
 shall have the like Remedy as in
 other Cases where Coſts by the
 Laws of this Realm are given to
 Defendants;

All Suits to be
 brought in
 ſome of the
 Courts of Re-
 cord at *West-*
minster or
Dublin, or the
 Court of Ses-
 ſion in *Scot-*
land.

LXV. And be it further enact-
 ed by the Authority aforeſaid, That
 every Bill, Plaint, Action, or Suit,
 againſt any Perſon or Perſons, for
 any Act, Matter, or Thing to be
 acted or done in purſuance of this
 Act, or againſt any Member or
 Miniſter of a Court-martial, in re-
 ſpect of any Sentence of ſuch Court,
 or of any Thing done by virtue or
 in purſuance of ſuch Sentence, ſhall
 be brought in ſome of the Courts
 of Record at *Westminster*, or *Dub-*
lin, or the Court of Seſſion in *Scot-*
land, and in no other Court what-
 ſoever.

Continuance
 of this Act.

LXVI. And be it further enacted
 by the Authority aforeſaid, That
 this Act, ſhall be and continue in
 Force, within the Realm of *Great*
Britain, from the ſaid Twenty-
 fourth Day of *March*, in the Year
 of

of our Lord One thousand seven hundred and seventy-one, until the Twenty-fifth Day of *March*, in the Year of our Lord One thousand seven hundred and seventy-two; and shall be and continue in force with- in the Kingdom of *Ireland*, and in *Fersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto be- longing, from the said Twenty- fourth Day of *March*, in the Year of our Lord One thousand seven hundred and seventy-one, until the First Day of *May*, One thousand seven hundred and seventy-two; and shall be and continue in Force, within the Island of *Minorca*, and Garrison of *Gibraltar*, and in His Majesty's other Dominions beyond the Seas, from the said Twenty- fourth Day of *March*, in the Year of our Lord One thousand seven hundred and seventy-one, until the Twenty-fifth Day of *March*, in the Year of our Lord One thousand seven hundred and seventy-three.

L^{XVII} And whereas by an Act of
 the First Year of the Reign of His
 late Majesty King George the First
 intituled, *An Act for the more effec-
 tual and exemplary Punishment of
 such Persons as shall seduce Sol-
 diers to desert: or, being Papists,
 shall enlist themselves in His Ma-
 jesty's Service in Great Britain or
 Ireland, or in the Islands of Guerna-
 sey, Jersey, Alderney, or Sark, or
 other Islands thereto belonging:* it is
 enacted, That any Person or Persons
 whatsoever, who shall directly or
 indirectly persuade or procure, or
 endeavour to persuade or procure,
 any Soldier or Soldiers in the Ser-
 vice of His Majesty, or of His
 Heirs or Successors, to desert: such
 Person or Persons so offending, and
 being thereof lawfully convicted,
 shall forfeit the Sum of Forty
 Pounds: Now be it enacted, That
 for such Offences as shall be com-
 mitted against the said recited Act,
 within that Part of Great Britain
 called England, the Penalties there-
 by

Penalties a-
 gainst the Act
 of George I.
 where to be
 sued for.

by enacted shall be sued for, and recoverable, in any of His Majesty's Courts of Record at *Westminster*; and for such Offences against the said Act, as shall be committed in that Part of *Great Britain* called *Scotland*, the same shall be sued for, and recoverable, in His Majesty's Court of *Exchequer* in *Scotland*; and for such Offences against the said Act as shall be committed in *Ireland*, the same shall and may be sued for, and recoverable, in any of the Four Courts at *Dublin*; and for such Offences against the said Act as shall be committed within the Islands of *Guernsey*, *Alderney*, and *Sark*, and the Islands thereto belonging, the same shall and may be sued for, and recoverable, in the Royal Court of *Guernsey*; and for such Offences against the said Act as shall be committed within the Island of *Jersey*, the same shall and may be sued for, and recoverable, in the Royal Court of *Jersey*; and for such Offences against the said

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Act

Act as shall be committed within
the Island of *Man*, in any of the
Courts of Record in the said Island,
or in any of His Majesty's Courts
of Record at *Westminster*; any
Thing in the said recited Act to the
contrary thereof in anywise not-
withstanding.

EXVIII. And to prevent, as far
as may be, any unjust or fraudu-
lent Arrests that may be made upon
Soldiers, whereby His Majesty and
the Publick may be deprived of
their Service; it is hereby further
enacted by the Authority aforesaid,

That no Person whatsoever, who
is or shall be lifted, or who shall lift
and enter himself as a Volunteer in
His Majesty's Service as a Soldier,
either in the Kingdom of *Great
Britain* or *Ireland*, or in *Jersey*,
Guernsey, *Alderney*, *Sark*, or *Man*, or
the Islands thereto belonging, or
in any of His Majesty's Plantations,
during the Continuance of this
Act, shall be liable to be taken out
of His Majesty's Service by any
Process

No Volunteer
liable to Pro-
cess, unless for
some criminal
Matter,

Process or Execution, whatsoever, other than for some criminal Matter, unless for a real Debt, or other just Cause of Action; and unless before the taking out of such Process or Execution (not being for a criminal Matter) the Plaintiff or Plaintiffs therein, or some other Person or Persons on his or their Behalf, shall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, that to his or their Knowledge the original Sum, justly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants, in the Action, or Cause of Action on which such Process shall issue, or the original Debt for which such Execution shall be issued out, amounts to the Value of Ten Pounds at least, over and above all Costs of Suit in the same Action, or in any other

or unless for a real Debt of the Value of 10 l.

Oath of the Debt to be made before a Judge,

and a Memorandum thereof marked on the Back of the Process

Action on which the same shall be grounded: a Memorandum of which Oath shall be marked on the Back of such Process or Writ: for which Memorandum or Oath no Fee shall be taken: And if any Person shall nevertheless be arrested contrary to the Intent of this Act, it shall and may be lawful for One or more Judge or Judges of such Court, upon Complaint thereof made by the Party himself, or by any his superior Officer, to examine into the same by the Oath of the Parties, or otherwise, and by Warrant under his or their Hands and Seals, to discharge such Soldier so arrested contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that such Soldier so arrested was legally indited as a Soldier in His Majesty's Service, and arrested contrary to the Intent of this Act, and also to award to the Party so complaining, such Costs as such Judge or Judges shall think reasonable:

reasonable. For the Recovery
whereof he shall have the like Re-
medy, that the Person who takes
out the said Execution might have
had for his Costs, or the Plaintiff
in the like Action might have had
for the Recovery of his Costs, in
case Judgement had been given for
him with Costs against the De-
fendant in the said Action.

EXIX. And to the End that
honest Creditors, who aim only at
the Recovery of their just Debts
due to them from Persons entered
into, and listed in His Majesty's
Service, may not be hindered from
suing for the same, but on the con-
trary may be assisted and forwarded
in their Suits, and instead of an
Arrest, which may at once hurt the
Service and occasion a great Ex-
pence and Delay to themselves,
may be enabled to proceed in a
more speedy and cheap Method;
be it further enacted by the Autho-
rity aforesaid, That it shall and may
be lawful to and for any Plaintiff

and a Ple-
morum
treat mark
ed on the Back
of the Process

Plaintiff may
file a Common
Appearance.

or Plaintiffs, upon Notice first given in Writing of the Cause of Action to such Person or Persons so entered, or left at his or their last Place of Residence before such Listing, to file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, so as to intitle such Plaintiff to proceed therein to Judgement and Outlawry, and to have an Execution thereupon, other than against the Body or Bodies of him or them so listed as aforesaid; this Act, or any Thing herein, or any former Law or Statute to the contrary notwithstanding.

Penalty on
taking Money
to excuse any
Person from
quartering;

LXX. And be it further enacted by the Authority aforesaid, That if any High Constable, Constable, Beadle, or other Officer or Person whatsoever, who, by virtue or colour of this Act, shall quarter or billet, or be employed in quartering or billeting, any Officers or Soldiers, shall neglect or refuse, for the Space of Two Hours, to quarter

billeted

ter

ten or billet such Officers or Soldiers, when thereunto required, in such Manner as is by this Act directed, as provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, contract, or agree for any Sum of Money, or any Reward whatsoever, for or on account of excluding, or in order to exclude any Person or Persons whatsoever from quartering, or receiving into his, her, or their House or Houses any such Officer or Soldier; or in case any Victualler, or any other Person liable by this Act, to have any Officer or Soldier billeted or quartered on him or her, shall refuse to receive or victual any such Officer or Soldier so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein before respectively directed to be furnished or allowed to Non-commissioned Officers or Soldiers so quartered or billeted

Penalty on
taking Money
to exclude any
Person from
quartering;

abducted on him or her as aforesaid;
 or shall neglect or refuse to furnish
 good and sufficient Hay and Straw
 for each Horse so quartered or
 billeted on him or her as aforesaid,
 at the Rate herein before mention-
 ed, and shall be thereof convict-
 ed before One or more Justice
 or Justices of the Peace of the
 County, City, or Liberty, within
 which such Offence shall be com-
 mitted, either by his own Con-
 fession, or by the Oath of One or
 more credible Witnesses or Witnes-
 ses (which Oath the said Justice or
 Justices is and are hereby im-
 powered to administer) every such
 High Constable, Constable, Bebel,
 or other Officer or Person so of-
 fending, shall forfeit for every such
 Offence the Sum of Five Pounds,
 or any Sum of Money not exceed-
 ing Five Pounds, nor less than
 Forty Shillings, (as the said Justice
 or Justices before whom the Matter
 shall be heard shall in his or their
 Discretion think fit) to be levied
 by

Justice may
 order Court
 to give an
 Account of
 the Number
 of Soldiers
 quartered

by Distress and Sale of the Goods
of the Person offending, by War-
rant under the Hand and Seal, or
Hands and Seals, of such Justice
or Justices, before whom such Of-
fender shall be convicted, or of One
or more of them, to be directed to
any other Constable within the
County, City, or Liberty, or to
any of the Overseers of the Poor
of the Parish where the Offender
shall dwell; the said Sum of Five
Pounds, or the said Sum not ex-
ceeding Five Pounds, nor less than
Forty Shillings, when levied, to be
paid to the Overseers of the Poor
of the Parish wherein the Offence
shall be committed, or to some
One of them, for the Use of the
Poor of the said Parish.

LXXI. And for the better pre-
venting Abuses in quartering or bil-
leting the Soldiers, in pursuance of
this Act, be it further enacted by
the Authority aforesaid, That it
shall and may be lawful to and for
any One or more Justice or Jus-
tices

Justices may
order Consta-
bles to give an
Account of
the Number
of Soldiers
quartered, &c.

How the
Troops are to
pay in paying
over Tithes in
Scotland.

Justice
of the Peace
Account of
the Number
of Soldiers
quartered

Justices of the Peace, within their
respective Counties, Cities, or Li-
berties, by Warrant or Order un-
der his or their Hand and Seal, or
Hands and Seals, at any Time or
Times, during the Continuance of
this Act, to require and command
any High Constable, Constable,
Bedel, or other Officer, who shall
quarter or billet any Soldiers in
pursuance of this Act, to give an
Account in Writing unto the said
Justice or Justices requiring the
same, of the Number of Officers
and Soldiers who shall be quar-
tered or billeted by them, and also
the Names of the Housekeepers, or
Persons, upon whom every such
Officer or Soldier shall be quarter-
ed or billeted, together with an Ac-
count of the Street or Place where
every such Housekeeper dwells, and
of the Signs (if any) belonging to
their Houses; to the End it may
appear to the said Justice or Justices
where such Officers and Soldiers
are quartered or billeted, and that

he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billeting of them. And be it further enacted, That where any Troops or Parties upon Command have Occasion in their March to pass regular Ferries in that Part of Great Britain called Scotland, it shall and may be lawful for the Commanding Officer, either to pass over with his Party as Passengers, or to hire the Ferry boat intire to himself and his Party, debarring others for that Time; in his Option; and in case he shall chuse to take Passage for himself and Party as Passengers, he shall only pay for himself, and for each Person, Officer or Soldier, under his Command, Half of the ordinary Rate payable by single Persons at any such Ferry; and in case he shall hire the Ferry boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and

How the Troops are to pay in passing over Ferries in Scotland.

in

in such Places where there are no regular Ferries, but that all Passengers hire Boats at the Rate they can agree for, Officers, with or without Parties, are to agree for Boats at the Rate as other Persons do in the like Cases.

Clause for Relief of Persons hastily lifting themselves.

LXXIII. Provided nevertheless, and it is hereby declared by the Authority aforesaid, That from and after the Twenty-fifth Day of *March*, One thousand seven hundred and seventy-one, when and as often as any Person or Persons shall be enlisted as a Soldier or Soldiers in His Majesty's Land Service, he and they shall, within Four Days, but not sooner than Twenty-four Hours, after such Enlisting respectively, be carried before the next Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate (not being an Officer in the Army) and before such Justice or Chief Magistrate, he or they shall be at Liberty to declare his or their

their Dissent to such Inlisting; and upon such Declaration, and returning the Inlisting-money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, such Person or Persons so inlisted shall be forthwith discharged and set at Liberty, in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect, within the Space of Twenty-four Hours, to return and pay such Money, as aforesaid, he or they shall be deemed and taken to be inlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; or if such Person or Persons shall declare his or their having voluntarily inlisted himself or themselves, then such Justice or Chief Magistrate shall, and he is hereby required forthwith to certify under his Hand, that such Person or Persons is or are duly inlisted; setting forth the

their 1

Place

Place of the Birth, Age, and Calling, of him or them respectively, if known, and that the Second and Sixth Sections of the Articles of War against Mutiny and Desertion were read to him or them, and that he or they had taken the Oath mentioned in the said Articles of War; and if any such Person or Persons, so to be certified as duly enlisted, shall refuse to take the said Oath of Fidelity before the said Justice or Chief Magistrate, it shall and may be lawful for such Officer, from whom he has received such Money as aforesaid, to detain or confine such Person or Persons, until he or they shall take the Oath before required; and every Military Officer that shall act contrary hereto, or offend herein, shall incur the like Penalty and Forfeiture as is by this Act to be inflicted upon any Officer for making a false and untrue Muster, and the Penalty and Forfeiture shall be levied and recovered in the same Manner as
any

any Penalties or Forfeitures are by this Act to be levied and recovered.

LXXIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall receive the Inlisting-money from any Officer (knowing it to be such) and shall abscond or refuse to go before such Justice or Chief Magistrate, in order to declare his Assent or Dissent, as aforesaid; such Person or Persons shall be deemed and taken to be inlisted, to all Intents and Purposes whatsoever; and shall and may be proceeded against, as if he or they had taken the Oath directed by the said Articles of War to be taken before such Justice or Chief Magistrate.

Persons refusing the said Relief, to be proceeded against as if duly listed.

LXXV. And in order to prevent all Doubts that may arise in relation to punishing Crimes and Offences committed against former Acts of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and

H

their

Offences a-
gainst former
Mutiny Acts
punishable by
this Act.

their Quarters; be it enacted by the Authority aforesaid, That all Crimes and Offences which have been committed against any Act for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall and may, during the Continuation of this present Act, be enquired of, heard, tried, and determined, adjudged, and punished, before, and by the like Courts, Persons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences, committed against this present Act, may be enquired of, heard, tried, determined, adjudged, and punished. And, that the Proceedings of a Court-martial upon any Trial, begun under the Authority of such former Act, shall not be discontinued by the Expiration of the same, but it shall be lawful to proceed to Judgement upon such Trial, and to carry such Judgement into Execution in like Manner as if the

Proceedings had been commenced under the Authority of this Act.

LXXVI. Provided always, That no Person shall be liable to be tried and punished for any Offence against any of the said Acts, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial; except only for the Offence of Desertion.

None liable to be tried, &c. for Offences against former Acts, which were committed 3 Years before issuing the Warrant for Trial, except for Desertion.

LXXVII. And whereas it may otherwise be doubted, whether the Officers and Persons employed in the Trains of Artillery be within the Intent and Meaning of this Act, for punishing of Officers and Soldiers who shall mutiny, or desert His Majesty's Service, and for punishing false Musters, and for Payment of Quarters; it is hereby enacted by the Authority aforesaid, That the Officers and Persons employed, or that shall be employed, in the several Trains of Artillery, be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all Re-

Officers, &c. of the Trains of Artillery subject to this Act.

spects whatsoever be holden to be within the Intent and Meaning of every Part of this Act, during the Continuance of the same.

LXXVIII. And whereas great Mischief and Inconvenience may arise, if it should be doubted whether Troops in Pay, raised in any of the *British* Provinces in *America*, by Authority of the respective Governors or Governments thereof, are, while acting in Conjunction with His Majesty's *British* Forces, under the Command of an Officer having a Commission immediately from His Majesty, liable to the same Rules and Articles of War, and the same Penalties and Punishments, as the *British* Forces are subject to: To prevent such Mischief, and to remove all Doubts, be it declared and enacted by the Authority aforesaid, That all Officers and Soldiers of any Troops, being mustered and in Pay, which are or shall be raised in *America* as aforesaid, shall at all Times, and in all Places, when they happen to join or act in Conjunction

American
Troops, acting in Conjunction with *British* Forces, liable to the same Martial Laws,

tion with His Majesty's *British* Forces, be liable to Martial Law and Discipline, in like Manner, to all Intents and Purposes as the *British* Forces are, and shall be subject to the same Trial, Penalties, and Punishments.

LXXIX. And whereas the Officers and Soldiers of the said Troops, being taken Prisoners in *America*, are frequently sent over to *Great Britain* in a very distressed Condition: And whereas their Pay is not sufficient to provide them with necessary Lodgings and Accommodations; be it enacted by the Authority aforesaid, That, during the Continuance of this Act, it shall be lawful for the Constables, and other Civil Magistrates, within *England, Wales*, and the Town of *Berwick upon Tweed*, to quarter and billet the Officers and Soldiers of the said *American* Troops in all such Houses as are liable by this Act to receive the Officers and Soldiers of His Ma-

Officers and Soldiers of the *American* Troops sent over to *Great Britain*,
to be quartered and billeted as the *British* Forces,

H 3 jesty's

and under the
same Regula-
tions and Pe-
nalties.

jeſty's *British* Forces; And the ſaid Conſtables, and other Civil Magiſtrates, are hereby required to quarter and billet the Officers and Soldiers of the ſaid *American* Troops in the ſame Manner, and under the ſame Regulations and Penalties, as are directed by this Act to be obſerved in quartering and billeting the Officers and Soldiers of His Maſteſty's *British* Forces; and all Perſons on whom the Officers and Soldiers of the ſaid Troops ſhall be legally quartered, reſuſing to receive and provide for them, as is directed for the Officers and Soldiers of His Maſteſty's *British* Forces, ſhall be ſubject to the ſame Penalties as in the Caſe of the ſaid *British* Forces.

Where any
Corps beyond
Seas ſhall be
relieved in or-
der to return
home, ſuch of
the Men as
ſhall chuſe
may be inliſt-
ed, and in-
corporated
with thoſe
appointed to
remain;

LXXX. And be it further en-
acted, That when and as often
as any Regiment or Company
ſhall be relieved at any Station
or Place beyond the Seas, in order
to their Return to *Great Britain*
or *Ireland*, it ſhall and may be
lawful

lawful for any Officer or Officers thereunto authorised by the Commander in Chief at such Station or Place respectively, to inlist as many of the Soldiers belonging to such Regiment or Company, returning to *Great Britain or Ireland*, as shall be willing, and who shall appear to be fit for Service, and to incorporate them in any Regiment or Company which shall be appointed to remain; and every Soldier so inlisted shall be, and is hereby deemed to be, discharged from the Regiment or Company in which he before served; and the Occasion of his quitting such former Corps shall be recited in the inlisting Certificate; a Duplicate, or an attested Copy whereof shall be delivered to such Soldier, to protect him from being any ways molested upon Suspicion of his having deserted.

the Occasion of quitting such former Corps to be recited in the inlisting Certificate.

LXXXI. Provided also, That nothing in this Act contained shall extend, or be any ways construed

This Act not to extend to the Militia farther than is directed by the Militia Laws.

to extend, to concern any of the Militia Forces of this Kingdom, or of the Kingdom of *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Islands thereto belonging, excepting only in such Case wherein by any Act for regulating the Militia Forces in that Part of *Great Britain* called *England*, the Provisions contained in this Act, or in any Act for punishing Mutiny and Desertion, which shall be then in Force, are extended and meant to take Place in respect of the Officers of the Militia, and Private Militia Men, within the Part of *Great Britain* aforesaid.

LXXXII. And whereas it may be expedient in certain Cases, and particularly in such Matters wherein any of His Majesty's Marine Forces may be interested, that Officers of the Marines shall be associated with Officers of the Land Forces, for the Purpose of holding Courts-martial;

martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for Officers of the Land and Marine Forces to sit in Conjunction upon Courts-martial, and to proceed in the Trial of any Officer or Soldier of the Land Forces, in like Manner, to all Intents and Purposes, as if such Courts-martial were composed of Officers of the Land Forces only; and the Officers of the Land and Marine Forces are, in such Cases, to take Rank according to the Seniority of their Commissions in either Service.

As often as it shall be necessary, Officers of the Land and Marine Forces may sit in Conjunction upon Courts-martial;

taking Rank according to the Seniority of their Commissions.

F I N I S.

Force, lxxix.

Given Bains, to be quartered and billeted as the British Officers and Soldiers of the American Troops sent over to Law, lxxviii.

British Forces, subject to like Discipline and Martial Troops raised in America, and acting in Conjunction with lxxvii.

AMERICA. This Act extends to it, and in what Manner.

Office more, id.

Not obeying His Majesty or the Treasurer's Orders, they forfeit their Place, and are disabled to hold such

able of holding their Office, xxiii.

Justly, or of the Treasury, relating thereto, rendered into

And Agents not complying with the Orders of His Ma-

ceived it, forfeit their Place, and two Pounds, xxii.

Officers or Soldiers pay One Month after they have re-

Agents. Paymasters, Agents, and Clerks detaining Or-

in pursuance of such Sentence, id.

any Sentence of such Court, id. Or of any Thing done

Or against any Member of a Court-martial, in respect of

stance of this Act, in what Court to be brought, lxx.

Persons. Against any Persons for any Matters done in pur-

namely, lxxii.

Officers and Soldiers Executors, in what Manner, id.

Paymasters, Agents, and Clerks, not accountable, id.

for Pounds, id.

Pounds, and a Colonel offending herein, id.

ing herein, that he lose his Place, and be in-

able of that or any other Office, and pay

Deputy Paymaster or Agent of a Regiment, or

directed by his Majesty's Letters to Pounds,

her General for paying the Balance, id.

Agent and each Captain, id. The Pay-

Agent, id. and between the Colonel,

Paymaster General, and the Colonel,

ACCOUNTS. To be duly kept between the

I N D E X.

A.

ACCOUNTS. To be duly kept betwixt the Paymaster-general, and the Colonel, or Agent, li. and betwixt the Colonel or Agent, and each Captain, *ibid.* The Paymaster-general not paying the Balance, when directed by His Majesty, forfeits 100 Pounds, *ibid.* Deputy Paymaster or Agent of a Regiment offending herein, shall *ipso facto* lose his Place, and be incapable of that or any other Office, and pay 100 Pounds, *ibid.* A Colonel offending herein, forfeits 100 Pounds, *ibid.*

Paymasters, Agents, and Clerks, not accounting with Officers and Soldiers Executors, incur the same Penalty, lxiii.

ACTIONS. Against any Persons for any Matters done in pursuance of this Act, in what Court to be brought, lxxv. Or against any Member of a Court-martial, in respect of any Sentence of such Court, *ibid.* Or of any Thing done in pursuance of such Sentence, *ibid.*

AGENTS. Paymasters, Agents, and Clerks detaining Officers or Soldiers Pay One Month after they have received it, forfeit their Place, and 100 Pounds, xxi. And Agents not complying with the Orders of His Majesty, or of the Treasury, relating thereto, rendered incapable of holding their Office, xxiii.

Not obeying His Majesty or the Treasurer's Orders, they forfeit their Place, and are disabled to hold such Office more, *ibid.*

AMERICA. This Act extends to it, and in what Manner, lxxviii.

Troops raised in *America*, and acting in Conjunction with *British* Forces, subject to like Discipline and Martial Law, lxxviii.

Officers and Soldiers of the *American* Troops sent over to *Great Britain*, to be quartered and billeted as the *British* Forces, lxxix.

ARREARS.

INDEX.

ARREARS. Weekly Arrears to each Non-commission Officer and private Soldier, xxii. to be paid every Two Months, *ibid.* Officer neglecting, to be discharged from his Employment, and forfeits 100 Pounds, *ibid.* Agents not complying with the Orders of His Majesty, or the Treasury, relating thereto, disabled to hold any such Office, xxiii.

ARRESTS. No Volunteer to be arrested, or taken out of the Service, excepting for some criminal Matter, or a real Debt of Ten Pounds, lxviii. Oath of the Debt to be first made before a Judge of the Court of Record, or other Court, or before a Person authorised to take Affidavits in such Courts, *ibid.*

The Oath to be marked on the Back of the Writ, *ibid.* Persons arrested contrary to the Intent of the Act, upon Complaint, to be discharged by One or more Judges of such Courts, *ibid.* without Fee, *ibid.* The Judge to award Costs, *ibid.* Costs how to be recovered, *ibid.*

ARTICLES of WAR. His Majesty impowered to make them, lvii.

B.

BILLETS. No more to be ordered, than there are effective Soldiers present to be quartered, xxvi.

Petty-constables, &c. to billet Soldiers in their respective Divisions, xl, lxxviii.

Vide QUARTERING.

C.

CARRIAGES. Justices in *England, Wales, or Berwick*, by Order of His Majesty, or General, shall grant a Warrant for Carriages, with able Men to drive them, xliii. The Officer to pay into the Constables Hands the Rates as regulated, *ibid.*

Officers forcing Carriages to travel more than One Day's Journey, or detaining them too long, or suffering Soldiers or Servants (except the Sick) or Women to ride, or forcing Constables to provide Saddle-horses for themselves or Servants, or forcing Horses from the Owners, forfeit Five Pounds, *ibid.*

Constables, &c. to deliver Lists at Quarter Sessions, on Oath, of Inhabitants, and Soldiers quartered in their respective Divisions, xl.

Constables neglecting or refusing to execute the Justices Warrant for Carriages; and Persons neglecting or refusing to provide Carriages, when appointed by the Constable,

CARRIAGES.

Constable, and Persons hindering others from providing them, forfeit from Twenty to Forty Shillings, xlv.
Treasurers of the County to pay the Constables extraordinary Charges, xlv.

How the extraordinary Charges are to be raised, xlv.
No Waggon, &c. to carry above 30 hundred Weight, xlv.
Carriages in Scotland to be had in like Manner, and at the same Rates, as directed by the Laws in Force in Scotland at the Union, xlviii.

CASHIERING. Persons acquitted or convicted of capital Crimes, Violences, &c. by the Civil Magistrate, not punishable by a Court-martial for the same, otherwise than by cashiering, lxi.

CERTIFICATES. Persons making, giving, or procuring to be made false Certificates, in order to excuse any Soldier for his Absence from Musters, or any other Duty, forfeit Fifty Pounds, cashiered, and rendered incapable of any military Office, xiv.

Where a Soldier, serving in any Corps Abroad, appointed to be relieved in order to their Return to Great Britain, or Ireland, shall, with his Consent, be enlisted and incorporated with those appointed to remain, he shall have a Certificate of such Enlisting granted him, to protect him from being molested as a Deserter, lxxx.

CLOTHING. Treasury may issue Money for it every Two Months, xxxvi.

COMMANDS. Officers or Soldiers refusing to obey any lawful Command of their superior Officers, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted, i.

COMMENCEMENT and CONTINUANCE of the ACT. From March 24, 1771. to March 24, 1772. in Great Britain; and from March 24, 1771. to May 1, 1772. in Ireland; and from March 24, 1771. to March 23, 1773. in Minorca and Gibraltar, and other Dominions beyond Sea, lxvi.

COMMISSIONS. Crimes for which Commissions and Employments are forfeited, xiv, xv, xvii, xix, xxii, xxiii, xxiv, xxv, xxvi, xxx, xxxvii, xlii, xli, li, lxi, lxii, lxiv.

COURTS-MARTIAL. His Majesty may grant Commission to a Field Officer, for holding Courts-martial General within this Realm; and to the Lord Lieutenant of Ireland, and Governors of Minorca, Gibraltar, and Commander in Chief of His Majesty's Dominions beyond the Sea, to appoint Courts-martial in those Places respectively, ii.

General Courts-martial to consist of Thirteen at least, iv, except in the Garrisons of Corsica and Senegal, or elsewhere, where the number may be reduced to seven, or to five, or to three, as the circumstances may require, v.

COURTS-MARTIAL.

on any Detachments therefrom; where they may consist of Five, but not less, *ibid.* The President not to be under the Degree of a Field Officer, or of a Captain, where a Field Officer cannot be had, *ibid.*

When and as often as it shall be necessary, Officers of the Land and Marine Forces may sit in Conjunction upon Courts-martial, taking Rank according to the Seniority of their Commissions; lxxxii.

General Courts-martial have Power to administer an Oath to every Witness, *iv.*

Every Member assisting at a General Court-martial is to take the Oaths prescribed, previous to any Proceedings upon the Trial, *v.*

No Proceeding to be had upon any Offence, but between the Hours of Eight and Three, *vii.*

No Sentence of Death to be given, (except in the Garrisons of *Goree* and *Senegal*, or upon any Detachments from those Garrisons) unless Nine Officers present concur therein, *vii.* if the Court consists of more than Thirteen; as likewise within the Garrisons of *Goree* and *Senegal*, and upon any Detachments therefrom, when the Court shall consist of a less Number of Officers, Judgement shall pass by the Concurrence of Two Thirds of the Officers, *ibid.*

Where a Soldier shall be convicted of Desertion, and the Offence be found not deserving Capital Punishment, the Court may adjudge him to serve, according to the Degree of the Offence, in any of the Corps stationed in any of His Majesty's Dominions beyond the Seas, or in Foreign Parts, for Life, or a Term of Years, *viii.* and if he be afterwards convicted of returning without Leave, before the Expiration of such Term, he shall suffer Death, *ibid.*

The Party tried intitled to a Copy of the Sentence and Proceedings of the Court-martial, *ix.*

Original Proceedings and Sentence of General Courts-martial to be transmitted to the Judge Advocate General in *London*, and to be preserved in his Office, *x.* Copies thereof to be had upon Application, *ibid.*

Original Proceedings of General or Regimental Courts-martial, or Entries or Copies thereof, not liable to Stamp duties, *xi.*

None to be tried a Second Time for the same Offence, except in Cases of Appeal, *xii.*

None to be adjudged of Life or Limb, but for Crimes so punishable by this Act, *lviii.*

Offenders against preceding Mutiny Acts punishable, *lxxv.* but not unless the Offence has been committed more than Three Years before the issuing of the Commission or Warrant for Trial; except for Desertion only, *lxxvi.*

COURTS MARTIAL.

His Majesty impowered to erect and constitute them, with Power to try and determine Crimes by the Articles of War, and inflict Penalties by Judgement of the same, in *Great Britain, Ireland, Minorca, and Gibraltar*, and Places beyond Sea, lvii.

CREDITORS. Creditors for less than Ten Pounds, not to arrest a Soldier, lxviii. but instead of Arrest, may file a Common Appearance in any Action for any Debt, so as to intitle them to proceed therein to Judgement and Outlawry, and to have an Execution thereupon, other than against the Bodies of the Soldiers, lxix.

CRIMES CAPITAL. Officers or Soldiers guilty of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any Subject, which is punishable by Law, to be delivered over to the Civil Magistrate, lxii.

The Commanding Officer refusing or neglecting to deliver such Person, or to assist the Civil Magistrate in apprehending him, is *ipso facto* cashiered, and disabled to hold any Office civil or military, *ibid.*

D.

DEBTORS. No Volunteer liable to be arrested or taken out of the Service for any Debt under Ten Pounds, lxviii.

DEBTS. How to be recovered from Soldiers, lxix.

DEDUCTIONS. No Deductions to be made out of Officers or Soldiers Pay, except for Clothing, the Shilling in the Pound to be disposed of as His Majesty shall think fit, One Day's Pay for *Chelsea Hospital*, and what other Deductions His Majesty shall direct by His Sign Manual, xxxv.

DESERTERS. An Officer or Soldier deserting His Majesty's Service, or a Soldier, being actually listed, listing in another Corps, without a proper Discharge, shall suffer Death, or such other Punishment as a Court-martial shall inflict, i. If the Offence shall be thought not deserving Capital Punishment, the Court may adjudge the Offender to serve in any of the Corps stationed in any of His Majesty's Dominions beyond the Seas, or in Foreign Parts, either for Life, or a Term of Years, according to the Degree of the Offence, viii; but if afterwards convicted of returning without Leave, before the Expiration of such Term, he shall suffer Death, *ibid.*

This

DESERTERS.

This Clause extends to all the Forces in *Great Britain, Ireland, Minorca, Gibraltar, and His Majesty's Dominions beyond Sea.*

Persons suspected of Desertion, to be carried by the Constable before a Justice of Peace, who is to examine them; and if it appears they are Deserters, they are to be sent to Gaol, and the Justice to give Notice to the Secretary at War, lili.

Collector of the Land Tax to pay Twenty Shillings to the Person that takes, or causes to be taken, any Deserter, upon a Warrant from a Justice of Peace being shewn to such Collector, liv.

Persons harbouring, concealing, or assisting Deserters, forfeit Five Pounds, lv. Penalty in *Ireland*, lx.

Persons buying, exchanging, or receiving Arms, Clothes, Caps, or other Furniture belonging to the King, from any Soldier or Deserter, or any other Person, upon any Account whatever, or changing the Colour of Clothes, forfeit Five Pounds, lv. Penalty in *Ireland*, lx. Part of the Five Pounds for the Informer, Part for the Captain, lv.

Offenders herein not having Five Pounds, nor Goods of that Value, or not paying within Four Days, to be sent to Gaol for Three Months, or to be whipped publicly, at the Discretion of a Justice of Peace, lv. Penalty in *Ireland*, and other Places, lx.

Officers breaking open any House or Out-house to search for Deserters, without Warrant from a Justice, forfeit Twenty Pounds, lvi.

Deserters from Places beyond Sea, escaping into this Realm, or *Ireland*, shall be tried for the same, as if the Offence had been committed in this Realm, lix.

Persons persuading Soldiers, or endeavouring to persuade them to desert, forfeit Forty Pounds, by an Act of the 1st Year of the Reign of King George the First, lxvi. How to be sued for in *England, Scotland, or Ireland*, ibid.

DISCHARGES. None but the Colonel, or Field Officer commanding the Regiment in his Absence, to give Discharges, i.

E.

EDINBURGH. Officers to pay for their Lodgings in the Suburbs of *Edinburgh*, xxiv.

ENEMY. Officers or Soldiers, either upon Land within or out of *Great Britain*, or upon the Sea, holding Correspondence with Rebels or Enemies, or giving them Advice

INDEX

129

ENEMY. Any Officer or Soldier, or treating with them, or entering into any Conditions with them, without the King's or General's Licence, shall suffer Death, or such Punishment as a Court-martial shall inflict, *i.*

EXECUTORS. Paymasters, Agents, or Clerks, not accounting with Executors of Officers and Soldiers, shall lose their Places, and be incapable of any Office, and pay 200 Pounds, *lxiii.*

F.

FEES. No Fees or Deductions whatsoever to the Paymaster-general, Paymaster of the Army, Secretary at War, Commissary, or Muster-master, or any other Officer, excepting such as are mentioned, and such as His Majesty directs by Sign Manual, *xxxv.*

FERRIES. Officers passing regular Ferries in Scotland, may hire the Boat for themselves and Party only, paying but half the usual Rate for each, *lxvii.*
Or they may all pass as common Passengers, paying but half the usual Rate for each, *ibid.*
But where there are no regular Ferries, they must hire Boats at the Rates other Persons give, *ibid.*

G.

GAME. Any Officer or Soldier in or near Quarters, without Leave of the Lord of the Manor, killing any Hare, Coney, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or His Majesty's Game, within the Kingdom of Great Britain, if an Officer, he forfeits Five Pounds, *l.*

The Commanding Officer to pay Twenty Shillings for every such Offence committed by a Soldier under his Command, *ibid.*

Officers refusing or neglecting to pay the above Penalties within Two Days after Conviction before a Justice, and Demand made by the Constable or Overseers of the Poor, shall forfeit, and are hereby declared to have forfeited their Commissions, and their Commissions are hereby declared to be null and void, *ibid.*

GOREL. In the Garrison there, or upon any Detachments therefrom, a General Court-martial may consist of any Number not less than Five, whereof none to be under the Degree of a Commission Officer, iv.
No Sentence of Death to be given where the Court shall consist of a less Number than Thirteen, unless Judgment pass by Concurrence of Two Thirds of the Officers present, vii.

GUARDS. Foot-guards may be quartered in *Westminster*, and Liberties, and Places adjacent, excepting the City of London, xxxix.

GUERNSEY. This Act extends to it, and in what Manner, xli.

H.
HORSES falsely MUSTERED. Are forfeited, if belonging to the Person who lent them to be falsely mustered, xviii.

I.
JERSEY. This Act extends to it, and in what Manner, xli.

IMMORALITIES. Punishable by General Courts-martial, iv.

INFORMERS. Of false Musters, if Soldiers, to be discharged on Demand, xviii.

Informers of Pay illegally detained, if Soldiers, to be discharged on Demand, and are hereby discharged, xxii.

IPSO FACTO CASHIERED. Provisions relating thereunto, xvi, xxxvii, xlix, li, lxii.

ISSUE GENERAL. Persons sued may plead the General Issue, lxiv.

JUDGE ADVOCATE. To be sworn, vi.
Judge Advocate to transmit the Original Proceedings, and Sentence of General Courts-martial, to the Judge Advocate General in London, xi.

JUSTICES

JUSTICES of the PEACE. To redress Grievances relating to quartering Soldiers, xxvi.

Justices, being military Officers in Great Britain, not to quarter any of their own Soldiers, xxvii.

Six Justices to attend Mustres in Westminster and Southwark, xxxviii. But in case of their Neglect, Two or more, not being Officers of the Army, are sufficient, *ibid.*

L.

LAW. Nothing contained in the Act, exempts Soldiers from being proceeded against by the ordinary Courts of Law, xiii.

LISTING. Persons listed, to be carried within Four Days but not sooner than Twenty-four Hours after, before the next Justice of Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town-corporate (not being an Officer in the Army) and if they before such Justice or Magistrate dissent to such Inlisting, and return the Inlisting-money, and also Twenty Shillings in lieu of all Charges expended on them, they are to be discharged, lxxiii.

But such Persons refusing or neglecting to return and pay such Money within Twenty-four Hours, shall be deemed as duly listed as if they had assented thereto before the proper Magistrate; and they shall in that Case be obliged to take the Oath, or upon Refusal they shall be confined by the Officer who listed them, till they do take it, *ibid.*

Persons owning before the proper Magistrate, that they voluntarily listed themselves, are obliged to take the Oath, or suffer Confinement by the Officer who listed them, till they do take it, *ibid.*

The Magistrate is obliged in both Cases to certify, that such Persons are duly listed; setting forth their Birth, Age, and Calling, if known, and that the Second and Sixth Sections of the Articles of War against Mutiny and Desertion were read to them, and that they had taken the Oath, lxxiii.

Officers offending herein, are to be cashiered, and displaced from their Office, and disabled to have any Office, civil or military, and forfeit 100 Pounds, *ibid.*

Persons receiving Inlisting-money from any Officer, knowing him to be such; and afterwards absconding, and refusing to go before a proper Magistrate, to declare their Assent or Dissent, are deemed to be enlisted to all Intents and Purposes, and may be proceeded against as if they had taken the Oath, lxxiv.

LISTING.

Where any Corps beyond the Seas shall be relieved in order to return to Great Britain, or Ireland, the Officers may enlist such of the Men as shall be willing, and appear fit for the Service, and incorporate them in any Regiment or Company appointed to remain; and the Occasion of quitting such former Corps shall be recited in the enlisting Certificate, and given to such Soldiers, to protect them from being molested as Deserters, lxxx.

Lodgings. Officers to pay for no Lodgings, but in the Suburbs of Edinburgh, xxxiv.

LONDON. Foot-guards not to be quartered in London, xxxix.

M.

MAN, Isle of. This Act extended to the Troops there, l. xli, lxxvii.

MILITIA. This Act does not extend to the Militia, lxxx. Exception thereto, *ibid.*

MISBEHAVIOUR. Punishable by General Courts-martial, iv.

MUSTERS. Commissary to set down on the Roll the Reason of Soldiers Absence, and by whom certified, xiv.

No Certificate to excuse the Absence of any Soldiers, but when they are employed on other Duty of the Regiment, Sick, in Prison, or on Furlough, *ibid.*

Officer granting false Certificates of Absence, forfeits 50l. and to be cashiered, and disabled from holding any military Office, *ibid.*

Officers making false Musters of Man or Horse, to be cashiered, and displaced from their Office, and disabled to hold any Office, civil or military, xv.

Every Commissary, Muster-master or other Officer, who shall wittingly sign the Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall take any Gratuity for mustering, or signing the Muster-roll, shall incur the same Penalty, *ibid.*

Fictitious Names allowed on the Rolls for Widows, xvi.

Muster-masters to give Notice to the chief Magistrate of Musters intended, xvii. Muster-masters neglecting to give such Notice, shall forfeit 50 Pounds, and be discharged from their Office, *ibid.*

Muster-rolls to be signed by the chief Magistrate, *ibid.* If he is absent, or refuses to sign them, a Justice of Peace may sign them, *ibid.*

Persons

INDEX.

NUMBER. Of Forces, i.
Of Invalids, *ibid.***REGISTER OF DUTY.** Punishable by General Courts-martial, iii.**NON-COMMISSION OFFICER,** or private Soldier, having a Wife, Child, or Children, shall make Oath before a Justice of his last legal Settlement, and deliver a Copy thereof to his Commanding Officer, xxxiii.**Non-Commission Officer** embezzling or misapplying the Money intrusted for Payment of the Men under his Command, or for inlisting Men, to be reduced, and put under Stoppages, and suffer such Corporal Punishment, as a Court-martial shall think fit, lii.**O.****OATHS.** Oath may be administered to every Witness, in order to the Trial of Offences, iv.

Oaths prescribed to be taken by every Member assisting on the Trial of Offenders at General Courts-martial, v.

Oath to be taken by the Judge Advocate, vi.

Oath to be taken and signed by the Commissary, or Muster-master, on taking a Muster, xx.

OFFRECKONINGS. To be deducted and paid by Assignment for Clothes, xxxvi. When no Assignment is made, they are to remain in the Paymaster's Hand, *ibid.***OFFENDERS.** Against precedent Murtry A&S, punishable, lxxv. but not unless the Offence has been committed more than Three Years before the issuing of the Commission or Warrant for the Trial; except for Desertion only, lxxvi.**OFFICERS and PERSONS.** Employed in the Trains of Artillery, subject to the Penalties and Punishments inflicted in this Act, lxxvii.**P.****PAY.** Paymasters, Agents, or Clerks detaining Officers or Soldiers Pay a Month after they have received it; and Officers detaining it from the Soldiers, when it becomes due, and at the weekly Rates as therein mentioned, ed,

PAY.

ed, or not accounting with them at the End of every Two Months, for their weekly Arrears, as therein mentioned, shall be cashiered by a Court-martial, and forfeit to the Informer 100 Pounds; *xxix.*

PROVISIONS. To be furnished at the Rates fixed by this Act, *xxviii.*

What Innholders, &c. may allow Non-commissioned Officers and Soldiers, instead of Victuals, *xxix.*

Q.

QUARTERING. Regiments, Troops, and Companies, lawfully quartered by whom, and upon whom, *xxvi.*

None to be quartered on private Houses without Consent, *ibid.*

Officers quartering Soldiers contrary to this Act, or menacing or compelling any Magistrate, are *ipso facto* cashiered, and disabled from Employments, *xxvi.*

Persons quartered upon in a partial Manner by the Constables, may be relieved by a Justice of Peace, *ibid.*

Military Officers, being Justices of the Peace, not to be concerned in quartering their own Soldiers under their immediate Commands, *xxvii.*

Officers taking Money for excusing People quartering Soldiers are to be cashiered, and rendered incapable of military Employments, *xxx.*

In quartering Horse and Dragoons, not less than One Man shall be quartered with One or Two Horses, Two Men with Four Horses, and so on, *xxxi.*

Quartering in Scotland, to be in such Houses as were liable to quarter Soldiers at the Time of the Union; and such Houses to furnish Officers and Soldiers according to the same Law, *xxxi.*

Officers, who pay Companies, not giving Notice within Four Days to the Landlords where Officers and Soldiers are quartered, of their having received Pay for them, or not clearing Quarters according to the daily Rates therein mentioned, are *ipso facto* cashiered, *xxxvii.*

Daily Rates fixed for all under the Degree of a Captain, for Diet, Small Beer, and Horses, *ibid.*

Paymasters not stopping out of Officers Arrears, who neglect to clear Quarters, as much as will pay them, forfeit their Employments, *xxxvii.* or out of Officers Subsistence, in case no Arrears are due, *ibid.*

QUARTERING.

Officers, upon not receiving Money for clearing Quarters, neglecting to make up Accounts, are to be cashiered *ipso facto*, *ibid*.

Paymaster-general to pay the Quarters on Sight of a Certificate signed by the Officer, xxxvii.

Foot-guards may be quartered in *Westminster*, and its Liberties, and Places adjacent, except in *London*, xxxix.

Officers quartering their Wives, Children, Men or Maid Servants, on any House without Consent, are *ipso facto* cashiered, xlix.

Civil Magistrates doing it, to forfeit 20s. *ibid*.

Constables, or other Civil Magistrates, taking Money to excuse any Person from quartering Soldiers, forfeit from Forty Shillings to Five Pounds to the Poor, lxx.

Vic-tuallers refusing to quarter Men, or to furnish them with such Necessaries as the Act directs, forfeit the same, *ibid*.

Justices may demand of the Constables the Number of the Officers and Soldiers by them billeted, with the Names of the House-keepers, the Street, and Sign, lxxi.

~~STAMP-DUTIES. The Original Proceedings of the Court of Sessions, in the County of Middlesex, in the Year 1781, are not liable to Stamp-Duties, xi.~~

R.
RATES. Weekly Rates for Non-commission Officers and Soldiers Subsistence, xxii.

Weekly Rates for their Arrears, *ibid*.

Rates of Subsistence to be paid to Innkeepers, &c. for Subalterns, and Non-commission Officers, and Soldiers Diet, and Horse-keeping, xxxvii.

REBELS. Officers and Soldiers, either upon Land, within or out of *Great Britain*, or upon the Sea, holding Correspondence with Rebels or Enemies, or giving them Advice or Intelligence, or treating with them, or entering into any Condition with them, without the King's, or General's, or Chief Commander's Licence, shall suffer Death, or such Punishment as a Court-martial shall inflict, i.

SCOTLAND.

Officers, except in Cases of Appeals, are not to be tried by a Court-martial, lxxi.

VIOLENCE.

INDEX

137

S.

SCOTLAND. How Officers and Soldiers are to be quartered, and furnished there, xxxiv.

SEDITION. Punishable with Death, or such Punishment as a Court-martial shall inflict, i.

SENEGAL. In the Garrison there, or upon any Detachments therefrom, a General Court-martial may consist of any Number not less than Five; whereof none to be under the Degree of a Commission Officer, v.

No Sentence of Death to be given, where the Court shall consist of a less Number than Thirteen, unless Judgment shall pass by Concurrence of Two Thirds of the Officers present, vii.

SOUTHWARK. Musters to be made in Southwark, in Presence of Six Justices, or Two at least, xxxviii

STAMP-DUTIES. The Original Proceedings of General or Regimental Courts-martial, or Entries or Copies thereof, not liable to Stamp-duties, xi.

STORES. Officer, Store keeper, or Commissary, embezzling or misapplying Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, or suffering the same to be spoiled or damaged by wilful Neglect, to be cashiered, and forfeit 100 l. to be at His Majesty's Disposal, and to make good the Damage, xix.

STRIKING superior OFFICER. All Officers and Soldiers striking, or using Violence against, their superior Officers, being in the Execution of their Office, shall suffer Death, or such other Punishment as a Court-martial shall inflict, i.

SUBSISTENCE. Weekly Subsistence for Non-commission Officers and private Men, xxii.

T.

TRIALS. None to be tried a second Time for the same Offence, except in Cases of Appeals, xii.
Persons acquitted by the Civil Magistrate, may only be cashiered by a Court-martial, lxi.

VIOLENCE.

Rules and Articles

VIOLENCE. Used against superior Officers, being in the Execution of their Office, punishable with Death, or such Punishment as a Court-martial shall inflict, i.

GOVERNMENT

OF HIS MAJESTY
W.
House and Foot Guards

WESTMINSTER. Musters are to be made there, in Presence of Six Justices, or Two at the least; or, upon their Neglect, the Commissary to muster without any, xxxviii.

Foot-guards may be quartered in *Westminster*, and in its Liberties and Places adjacent, except the City of London, xxxix.

WIDOWS intitled to PENSIONS. Are such only, whose Husbands, being Officers, lost their Lives in the late War, or late Rebellion, xvi.

Fictitious Names to be allowed on the Muster-rolls, for the Maintenance of such Officers Widows, *ibid*.

Domains beyond the Seas, and

Foreign Parts

From the 24th Day of March, 1771

F I N I S.

Published by His Majesty's Command.

LONDON

Printed by CHARLES EYRE and WILLIAM STAMMANT

Printers in the King's most excellent Majesty's

MDCCLXXI.

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Rules and Articles

For the better

GOVERNMENT

Of His MAJESTY's

Horſe and Foot Guards,

And all other His Maſteſty's

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MDCCLXXI.

RULES and ARTICLES

For the better Government of Our
Horse and Foot Guards, and all
other Our Forces in Our King-
doms of Great Britain and Ireland,
Dominions beyond the Seas, and
Foreign Parts.

SECTION I.

Divine Worship.

GEORGE R.
ALL Officers and Soldiers,
not having just Impedi-
ment, shall diligently fre-
quent Divine Service and Sermon,
in the Places appointed for the as-
sembling of the Regiment, Troop,
or Company, to which they be-
long; such as wilfully absent them-
selves, or, being present, behave
indecently, or
indolently,
shall be liable to the Penalties
herein expressed.

ART. I.
Divine Service
and Sermon to
be frequented.

RULES and ARTICLES

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sembling of the Regiment, Troop,
or Company, to which they be- The Penalty of
long; such as wilfully absent them- absenting from
selves, or, being present, behave Divine Ser-
indecently vice, and of
haviour,

1. If Commis-
sioned Officers.

indecently or irreverently, shall, if
Commissioned Officers, be brought
before a Court-martial, there to be
publickly and severely reprimand-

2. If Non-
commissioned
Officers, or
Private Men.

ed by the President; if Non-com-
missioned Officers, or Soldiers, e-
very Person so offending shall, for
his First Offence, forfeit Twelve-
pence, to be deducted out of his
next Pay; for the Second Offence,
he shall not only forfeit Twelve-
pence, but be laid in Irons for
Twelve Hours; and for every like
Offence, shall suffer and pay in
like Manner: Which Money so
forfeited, shall be applied to the
Use of the sick Soldiers of the
Troop or Company to which the
Offender belongs.

How the For-
feiture is to
be applied.

A R T. II.

The Penalty
of Swearing
or Cursing.

Whatsoever Officer or Soldier
shall use any unlawful Oath or
Execration, shall incur the Penal-
ties expressed in the First Article.

A R T. III.

The Penalty
of speaking
against any
Article of the
Christian
Faith.

Whatsoever Officer or Soldier
shall presume to speak against any
known Article of the Christian
Faith, shall be delivered over to
the

the Civil Magistrate, to be proceeded against according to Law.

Whatsoever Officer or Soldier shall profane any Place dedicated to Divine Worship, or shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word; he shall be liable to such Penalty or corporal Punishment as shall be inflicted on him by a Court-martial.

ART. IV.

The Penalty of profaning Churches; or offering Violence to Chaplains or Ministers.

No Chaplain who is commissioned to a Regiment, Company, Troop, or Garrison, shall absent himself from the said Regiment, Company, Troop, or Garrison (excepting in case of Sickness or Leave of Absence) upon Pain of being brought to a Court-martial, and punished as their Judgement and the Circumstances of his Offence may require.

ART. V.

Penalty on Chaplains absenting from the Regiment.

Whatsoever Chaplain to a Regiment, Troop, or Garrison, shall be guilty of Drunkenness, or of other scandalous or vicious Behaviour, derogating from the Sacred Character

ART. VI.

Penalty on Chaplains guilty of Drunkenness, or other vicious Behaviour.

ter with which he is invested, shall, upon due Proofs before a Court-martial, be discharged from his said Office.

S E C T. II.

Mutiny.

ART. I.

The Penalty of speaking traiterous or disrespectful Words against the King, or any of the Royal Family

WHatsoever Officer or Soldier shall presume to use traiterous or disrespectful Words against Our Royal Person, or any of Our Royal Family; if a Commissioned Officer, he shall be cashiered; if a Non-commissioned Officer or Soldier, he shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

ART. II.

The Penalty of disrespectful Behaviour to the General or Commander in Chief.

Any Officer or Soldier who shall behave himself with Contempt or Disrespect towards the General, or other Commander in Chief of Our Forces, or shall speak Words tending to his Hurt or Dishonour, shall be

be punished according to the Nature of his Offence, by the Judgment of a Court-martial.

Any Officer or Soldier who shall **A R T. III.**
begin, excite, cause, or join in, any ^{The Penalty}
Mutiny or Sedition, in the Regiment, Troop, or Company to
which he belongs, or in any other Regiment, Troop, or Company,
either of Our Land or Marine Forces, or in any Party, Post,
Detachment, or Guard, on any Pretence whatsoever, shall suffer
Death, or such other Punishment as by a Court-martial shall be inflicted.

Any Officer, Non-commissioned **A R T. IV.**
Officer, or Soldier, who being ^{and of not}
present at any Mutiny or Sedition, does not use his utmost En-
deavour to suppress the same, or coming to the Knowledge of any
Mutiny, or intended Mutiny, does not without Delay give Information
thereof to his Commanding Officer, shall be punished by a Court-
martial with Death, or otherwise, according to the Nature of the
Offence.

K

Any

ART. V.

The Penalty
of striking, or
drawing any
Weapon a-
gainst a supe-
rior Officer;
or disobeying
Orders.

Any Officer or Soldier, who shall strike his superior Officer, or draw, or offer to draw, or shall lift up any Weapon, or offer any Violence against him, being in the Execution of his Office, on any Pretence whatsoever, or shall disobey any lawful Command of his superior Officer, shall suffer Death, or such other Punishment as shall, according to the Nature of his Offence, be inflicted upon him by the Sentence of a Court-martial.

S E C T. III.

Of Inlisting Soldiers.

ART. I.

Non-com-
missioned Off-
cers and Sol-
diers, at their
Inlisting, to
have the Arti-
cles against
Mutiny and
Desertion read
to them;

EVERY Non-commissioned Officer and Soldier, who shall enlist himself in Our Service, shall, at the Time of his so Inlisting, or within Four Days afterwards, have the Articles against Mutiny and Desertion read to him, and shall, by the Officer who inlisted him, or

ARTICLES of WAR.

147

by the Commanding Officer of the Troop or Company into which he was inlisted, be taken before the next Justice of the Peace, or Chief Magistrate of any City or Town Corporate (not being an Officer of the Army) or in Foreign Parts, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate, and in his Presence shall take the following Oath :

I Swear to be true to our Sovereign Lord King GEORGE, and to serve him honestly and faithfully, in Defence of His Person, Crown, and Dignity, against all His Enemies or Opposers whatsoever : And to observe and obey His Majesty's Orders, and the Orders of the Generals and Officers set over me by His Majesty.

The Oath of Fidelity.

Which Justice or Magistrate is to give the Officer a Certificate, signifying that the Man inlisted did take the said Oath, and that the

The Justice to give a Certificate thereof.

ARTICLES OF WAR.

Articles of War were read to him according to the Act of Parliament.

ART. II.

No Discharge to be allowed unless signed by a Field Officer of the Regiment.

After a Non-commissioned Officer or Soldier shall have been duly enlisted and sworn, he shall not be dismissed Our Service without a Discharge in Writing; and no Discharge granted to him shall be allowed of as sufficient, which is not signed by a Field Officer of the Regiment into which he was enlisted; or Commanding Officer, where no Field Officer of the Regiment is in *Great Britain*.

S E C T. IV.

Musters.

ART. I.

What an Officer must do in order to the Muster.

EVERY Officer commanding a Regiment, Troop, or Company, shall, upon the Notice given to him by the Commissary of the Musters, or from One of his Deputies, assemble the Regiment, Troop, or Company under his Command,

Command, in the next convenient Place for their being mustered.

Every Colonel or other Field Officer commanding the Regiment, Troop, or Company, and actually residing with it, may give Furloughs to Non-commissioned Officers and Soldiers; in such Numbers, and for so long a Time, as he shall judge to be most consistent with the Good of Our Service; but no Non-commissioned Officer or Soldier shall by Leave of his Captain, or inferior Officer commanding the Troop or Company (his Field Officer not being present) be absent above Twenty Days in Six Months, nor shall more than Two private Men be absent at the same Time from their Troop or Company, excepting some extraordinary Occasion shall require it, of which Occasion the Field Officer present with, and commanding the Regiment, is to be the Judge.

ART II.

Field Officers residing with the Regiments may grant Furloughs.

How long Time a Soldier may be absent, and by what Leave.

At every Muster the Commanding Officer of each Regiment,

ART. III.

Commanding Troop, Officer to give

to the Com-
missary Certi-
ficates of the
Time, and
Reason of the
Absence of
any not ap-
pearing at
Muster,

which are to
be inserted in
the Muster-
rolls.

The Certifi-
cates and Mu-
ster-rolls to be
remitted to
the Commis-
sary's Office.

ART. IV.

The Penalty
of signing
false Certifi-
cates

Troop, or Company there present, shall give to the Commissary Certificates signed by himself, signifying how long such Officers who shall not appear at the said Muster have been absent, and the Reason of their Absence; in like Manner the Commanding Officer of every Troop or Company shall give Certificates, signifying the Reasons of the Absence of the Non-commissioned Officers and private Soldiers; which Reasons and Time of Absence shall be inserted in the Muster-rolls opposite to the Names of the respective absent Officers and Soldiers: The said Certificates shall, together with the Muster-rolls, be remitted to Our Commissary's Office within Twenty Days after such Muster being taken; on the Failure thereof, the Commissary so offending shall be discharged from Our Service.

Every Officer who shall be convicted before a General Court-martial of having signed a false Certificate,

Certificate, relating to the Absence of either Officer or private Soldier, shall be cashiered.

Every Officer who shall knowingly make a false Muster of Man or Horse, and every Officer or Commissary who shall willingly sign, direct, or allow the signing of the Muster-rolls, wherein such false Muster is contained, shall, upon Proof made thereof by Two Witnesses before a General Court-martial, be cashiered, and suffer such other Penalty as by the Act of Parliament is for that Purpose inflicted.

ART. V.

The Penalty of making false Musters, or signing false Muster-rolls.

Any Commissary who shall be convicted of having taken Money by way of Gratification on the mustering any Regiment, Troop, or Company, or on the signing the Muster-rolls, shall be displaced from his Office, and suffer such other Penalty as by the Act of Parliament is inflicted.

ART. VI.

Penalty on the Commissary taking Money on a Muster, or on signing the Muster-roll.

Any Officer who shall presume to muster any Person as a Soldier, who is at other Times accustomed

ART. VII.

Penalty of mustering any accustomed to wear a Livery.

or not doing
Duty as a Sol-
dier.

to wear a Livery, or who does not actually do his Duty as a Soldier, shall be deemed guilty of having made a false Muster, and shall suffer accordingly.

S E C T. V.

Returns.

A R T. I.

Penalty on
Officer making
false Returns.

EVERY Officer who shall knowingly make a false Return to Us, to the Commander in Chief of Our Forces, or to any his superior Officer authorised to call for such Returns, of the State of the Regiment, Troop, or Company, or Garrison, under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, shall by a Court-martial be cashiered.

A R T. II.

Penalty of not
remitting a
Monthly Re-
turn to the

The Commanding Officer of every Regiment, Troop, or Independent Company, or Garrison in *South Britain*, shall, in the Beginning

ning of every Month, remit to the Commander in Chief, and Secretary at War. Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of the Regiment, Troop, Independent Company, or Garrison under his Command, specifying the Names of the Officers not then residing at their Posts, and the Reason for, and Time of, their Absence: Whoever shall be convicted of having, through Neglect or Design, omitted the sending such Returns, shall be punished according to the Nature of his Crime by the Judgment of a General Court-martial.

Returns shall be made in like ART. III. Manner of the State of Our Forces The like Returns to be made in Ireland and Scotland. in Our Kingdom of *Ireland*, to the Chief Governor or Governors thereof, as likewise of Our Forces in *North Britain*, to the Officer there commanding in Chief; which Returns shall from Time to Time be remitted to Us, as it shall be best for Our Service.

It

ART. IV.

Returns to be made from *Gibraltar, Port Mahon, Africa, and America.*

It is Our Pleasure, That exact Returns of the State of Our Garrisons at *Gibraltar and Port Mahon*, and of Our Regiments, Garrisons, and Independent Companies in *Africa and America*, be by their respective Governors or Commanders there residing, by all convenient Opportunities, remitted to Our Secretary at War, for their being laid before Us.

S E C T. VI.

Desertion.

ART. I.

The Penalty of Desertion.

ALL Officers and Soldiers, who having received Pay, or having been duly enlisted in Our Service, shall be convicted of having deserted the same, shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

ART. II.

Soldiers absenting from

Any Non-commissioned Officer or Soldier, who shall, without Leave from his Commanding Officer,

ficer, absent himself from his Troop or Company, or from any Detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the Nature of his Offence, at the Discretion of a Court-martial.

their Company, or Detachment, without Leave, to be punished at the Discretion of a Court-martial.

ART. III.
No Non-commissioned Officer or Soldier shall enlist himself in any other Regiment, Troop, or Company, without a regular Discharge from the Regiment, Troop, or Company, in which he last served, on the Penalty of being reputed a Defenter, and suffering accordingly: And in case any Officer shall knowingly receive and entertain such Non-commissioned Officer or Soldier, or shall not, after his being discovered to be a Defenter, immediately confine him, and give Notice thereof to the Corps in which he last served, he the said Officer so offending shall by a Court-martial be cashiered.

Penalty of enlisting in other Regiments, without a Discharge from the former Regiment.

Penalty on Officers entertaining, and not confining such as Defenters.

ART. IV.
Whatsoever Officer or Soldier shall be convicted of having advised or persuaded any other Officer or Soldier

The Penalty of persuading any one to desert.

ARTICLES of WAR.

Soldier to desert Our Service, shall suffer such Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

S E C T. VII.

Quarrels and sending Challenges.

A R T. I.
The Penalty
of provoking
Speech or Ac-
tion.

NO Officer or Soldier shall use any reproachful or provoking Speeches or Gestures to another, upon Pain, if an Officer, of being put in Arrest; if a Soldier, imprisoned, and of asking Pardon of the Party offended, in the Presence of his Commanding Officer.

A R T. II.
The Penalty
of sending a
Challenge.

No Officer or Soldier shall presume to send a Challenge to any other Officer or Soldier, to fight a Duel, upon Pain, if a Commissioned Officer, of being cashiered; if a Non-commissioned Officer, or Soldier, of suffering corporal Punishment,

ment, at the Discretion of a Court-martial.

If any Commissioned or Non-commissioned Officer commanding a Guard shall knowingly and willingly suffer any Person whatsoever to go forth to fight a Duel, he shall be punished as a Challenger: And likewise all Seconds, Promoters, and Carriers of Challenges, in order to Duels, shall be deemed as Principals, and be punished accordingly.

ART. III.

The Penalty if an Officer suffer any to go out to fight a Duel.

The Seconds carrying Challenges, shall be reputed as Principals.

All Officers of what Condition soever, have Power to part and quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Regiment, Troop, or Company; and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers to Prison, till their proper superior Officers shall be acquainted therewith; and whosoever shall refuse to obey such Officer (though of an inferior Rank) or shall draw his Sword upon him, shall be punished at the Discretion

ART. IV.

All Officers have Power to part Frays.

Penalty of resisting.

Discretion of a General Court-martial.

ART. V.

Penalty for
upbraiding
any for refus-
ing a Chal-
lenge.

Whatsoever Officer or Soldier shall upbraid another for refusing a Challenge, shall himself be punished as a Challenger; and We hereby acquit and discharge all Officers and Soldiers of any Disgrace, or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will have only acted in Obedience to Our Orders, and done their Duty as good Soldiers, who subject themselves to Discipline.

ART. VI.

Commanding
Officers are to
see the Soldiers
supplied with
Provisions at
the Market
Price.

All Governors, Lieutenants, Go-

SECTION VIII.

Sutling.

ART. I.

Suttlers not to
sell any Thing
after Nine at
Night.

NO Suttler shall be permitted to sell any Kind of Liquors or Victuals, or to keep their Houses or Shops open, for the Entertainment of Soldiers, after Nine at Night, or before the Beating of the Reveilles,

ARTICLES of WAR.

159

Reveille, or upon *Sundays*, during Divine Service or Sermon, on the Penalty of being dismissed from all future Suttling.

or upon *Sundays* during Divine Service.

All Officers, Soldiers, and Suttlers, shall have full Liberty to bring into any of Our Forts or Garrisons, any Quantity or Species of Provisions, eatable or drinkable, except where any Contract or Contracts are or shall be entered into by Us, or by Our Order, for furnishing such Provisions, and with respect only to the Species of Provisions so contracted for.

ART. II.
Liberty given for bringing Provisions into Garrisons, &c.

All Governors, Lieutenant Governors, and Officers commanding in Our Forts, Barracks, or Garrisons, are hereby required to see, that the Persons permitted to suttle shall supply the Soldiers with good and wholesome Provisions, at the Market Price, as they shall be answerable to Us for their Neglect.

ART. III.
Commanding Officers are to see the Soldiers supplied with Provisions at the Market Price.

No Governors, or Officers, commanding in any of Our Garrisons, Forts, or Barracks, shall either themselves

ART. IV.
Penalty of exacting in the letting out of Stalls to Sut-

themselves exact exorbitant Prices for Houses or Stalls let out to Suttlers, or shall connive at the like Exactions in others; nor by their own Authority, and for their private Advantage, shall they lay any Duty or Imposition upon, or be interested in the Sale of such Victuals, Liquors, or other Necessaries of Life, which are brought into the Garrison, Fort, or Barracks, for the Use of the Soldiers, on the Penalty of being discharged from Our Service.

SECTION IX.

Quarters.

ART. I. NO Officer shall demand Billets for Quartering more than his effective Men; nor shall he quarter any Wives, Children, Men or Maid Servants, in the Houses assigned for the Quartering of Officers or Soldiers, without

Penalty of demanding Billets for Quartering more than the Number of effective Men; or of Quartering Wives,

the Consent of the Owners; nor shall he take Money for the freeing of Landlords from the Quartering of Officers or Soldiers: If a Commissioned Officer so offending, he shall be cashiered; if a Non-commissioned Officer; he shall be reduced to a Private Centinel; and suffer such corporal Punishment as shall be inflicted upon him by the Sentence of a Court-martial.

Children, Men for Maid Servants; or taking Money for freeing of Landlords from Quartering Soldiers.

Every Officer commanding a Regiment, Troop, or Company, or Party, whether in settled Quarters; or upon a March, shall take Care that his own Quarters, as also the Quarters of every Officer and Soldier under his Command, be regularly cleared at the End of every Week, according to the Rules specified by the Act of Parliament now in Force; but in case any such Regiment, Troop, or Company, or Party be ordered to march before Money may be come to the Hands of the Commanding Officer aforesaid, he is hereby re-

ART. II.

Commanding Officer to see the Quarters cleared Weekly;

and to give Certificates for Money due in Quarters.

L

quired

ARTICLES of WAR.

and remit Duplicates thereof to the Paymaster General; on Penalty of being cashiered.

quired to see that the Accounts with all Persons who shall have Money due to them for the Quartering of Officers and Soldiers, be exactly stated; specifying what Sum is then justly due to him, as likewise the Regiment, Troop, or Company to which the Officers and Soldiers so indebted to him belong, and is, by the first Opportunity, to remit Duplicates of the said Certificates to Our Paymaster General: Any Commanding Officer who shall refuse or neglect the making up such Accounts, and certifying the same as is above directed, shall be cashiered.

ART. III.

Penalty on the Commanding Officer not causing publick Notice to be given against creditting Soldiers beyond their Pay.

The Commanding Officer of every Regiment, Troop, or Company, or Detachment, shall, upon their first coming to any City, Town, or Village, where they are to remain in Quarters, cause publick Proclamation to be made, signifying, That if the Landlords or other Inhabitants suffer the Non-

com-

commissioned Officers or Soldiers to contract Debts beyond what their daily Subsistence will answer, that such Debts will not be discharged; he the said Commanding Officer shall, for refusing or neglecting so to do, be suspended for Three Months; during which Time his whole Pay shall be applied to the discharging such Debts as shall have been contracted by the Non-commissioned Officers or Soldiers under His Command, beyond the Amount of their daily Subsistence: If there be any Overplus remaining, it may be returned to him.

If, after publick Proclamation to be made, the Inhabitants shall notwithstanding suffer the Non-commissioned Officers and Soldiers to contract Debts beyond what the Money issued out, or to be issued out for their daily Subsistence will answer, it will be at their own Peril, the Officers not being obliged to discharge the said Debts.

ART. IV.

Inhabitants crediting Soldiers beyond their Pay, after publick Notice to the contrary, Officer not liable to the Debt.

ART. V.

The Penalty if
an Officer re-
fuse to see Ju-
stice done if
any Person
shall be abused
or wronged by
a Soldier.

Every Officer commanding in
Quarters, Garrisons, or on a March,
shall keep good Order, and to the
utmost of his Power redress all such
Abuses or Disorders, which may
be committed by any Officer or
Soldier under his Command, if,
upon Complaint made to him of
Officers or Soldiers beating, or
otherwise ill-treating of their Land-
lords, or of extorting more from
them than they are obliged to
furnish by Law, of disturbing Fairs
or Markets, or of committing any
Kind of Riots, to the disquieting of
Our People: he the said Com-
mander, who shall refuse or omit
to see Justice done on the Offender
or Offenders, and Reparation made
to the Party or Parties injured, as
far as Part of the Offender's Pay
shall enable him or them, shall,
upon Proof thereof, be punish-
ed by a General Court-martial,
as if he himself had committed
the Crimes or Disorders complain-
ed of.

S E C T.

S E C T. X.

Carriages.

THE Commanding Officer of every Regiment, Troop, Company, or Detachment, which shall be ordered to march, is to apply to the proper Magistrates for the necessary Carriages, and is to pay for them as is directed by the Act of Parliament; taking Care not himself to abuse, nor to suffer any Persons under his Command to beat or abuse the Waggoners, or other Persons attending such Carriages; nor to suffer more than Thirty hundred Weight to be loaded on any Wain or Waggon so furnished, or in proportion on Carts or Carrs; not to permit Soldiers (except such as are sick or lame) or Women to ride upon the said Carriages: Whatsoever Officer shall offend herein, or, in case of Failure of Money, shall refuse to grant

Commanding Officer is to apply for Carriages, and to pay for them according to the Act of Parliament; and not to suffer the Persons attending them to be abused;

or their Carriages overloaded:

On Failure of Money, he is to grant Certificates to

Certi-

ARTICLES of WAR.

Certificates, Specifying the Sum due for the Use of such Carriages, and the Name of the Regiment, Troop, or Company, in whose Service they were employed, shall be cashiered, or be otherwise punished according to the Degree of his Offence by a General Court-martial.

SECTION XI.

Of Crimes punishable by Law.

ART. I.

Commanding Officers are, upon Application, to use their utmost Endeavours to deliver over to the Civil Magistrate any Officer, Non-commissioned Officer, or Soldier, accused of Crimes punishable by the known Laws of the Land;

Whenever any Officer or Soldier shall be accused of a capital Crime, or of having used Violence, or committed any Offence against the Persons or Property of Our Subjects, such as is punishable by the known Laws of the Land, the Commanding Officer and Officers of every Regiment, Troop, or Party, to which the Person or Persons so accused shall belong, are

are hereby required, upon Application duly made by or in Behalf of the Party or Parties injured, to use his utmost Endeavours to deliver over such accused Person or Persons to the Civil Magistrate; and likewise to be aiding and assisting to the Officers of Justice, in apprehending and securing the Person or Persons so accused, in order to bring them to a Trial.

If any Commanding Officer or Officers shall wilfully neglect, or shall refuse, upon the Application aforesaid, to deliver over such accused Person or Persons to the Civil Magistrates, or to be aiding and assisting to the Officers of Justice in apprehending such Person or Persons, the Officer or Officers so offending shall be cashiered.

No Officer shall protect any Person from his Creditors on the Pretence of his being a Soldier, nor any Non-commissioned Officer or Soldier who does not actually

and to be aiding to the Officers of Justice in securing such Offender;

and upon wilful Neglect or Refusal, to be cashiered.

ART. II.

The Penalty if an Officer protect any from his Creditors.

do
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to which the Person or Persons so accused shall belong.

do all Duties as such, and no farther than is allowed by the present Act of Parliament, and according to the true Intent and Meaning of the said Act. Any Officer offending herein, being convicted thereof before a Court-martial, shall be cashiered.

SECT. XII.

Of redressing Wrongs.

ART. I.

What an Officer must do, if he thinks himself wronged.

IF any Officer shall think himself to be wronged by his Colonel, or the Commanding Officer of the Regiment, and shall upon due Application made to him, be refused to be redressed, he may complain to the General, commanding in Chief, of Our Forces, in order to obtain Justice; who is hereby required to examine into the said Complaint; and either by himself, or by Our Secretary at War, to make his Report to Us thereupon,

in order to receive Our further Dis-
rections.

If any inferior Officer or Soldier shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required to summon a Regimental Court-martial, for the doing Justice to the Complainant; from which Regimental Court-martial either Party may, if he thinks himself still aggrieved, appeal to a General Court-martial; But if upon a Second Hearing, the Appeal shall appear to be venious and groundless, the Person so appealing shall be punished at the Discretion of the said General Court-martial.

ART. II.

What an inferior Officer or Soldier must do, if he thinks himself wronged.

SECTION

of by Our Secretary at War, to make his Report to Us thereupon,

Whatsoever Non-commissioned

Officer, Storekeeper, or Commissary shall be convicted at a General Court-martial of having sold (without a proper Order for that Purpose) embezzled, misapplied, or wilfully, or through Neglect, suffered any of Our Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, the said Officer, Storekeeper, or Commissary so offending, shall, at his own Charge, make good the Loss or Damage, and be dismissed from Our Service, and suffer such other Penalty as by the Act of Parliament is inflicted.

ART. I.

Penalty of Officer's selling Military Stores without Order; or embezzling, or misapplying them, or suffering them to be damaged by Neglect.

Whatsoever Commissioned Officer, Storekeeper, or Commissary shall be convicted at a General Court-martial of having sold (without a proper Order for that Purpose) embezzled, misapplied, or wilfully, or through Neglect, suffered any of Our Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled or damaged, the said Officer, Storekeeper, or Commissary so offending, shall, at his own Charge, make good the Loss or Damage, and be dismissed from Our Service, and suffer such other Penalty as by the Act of Parliament is inflicted.

Whatsoever

Every

ARTICLES of WAR.

171

Whatsoever Non-commissioned Officer or Soldier shall be convicted at a Regimental Court-martial of having sold, or designedly, or through Neglect, wasted the Ammunition delivered out to him to be employed in Our Service, shall, if a Non-commissioned Officer, be reduced to a private Centinel, and shall besides suffer corporal Punishment, in the same Manner as a private Centinel for offending, at the Discretion of a Regimental Court-martial.

ART. II.
The Penalty of wasting Ammunition delivered out for the Service.

Every Non-commissioned Officer or Soldier who shall be convicted at a Court-martial of having sold, lost, or spoiled, through Neglect, his Horse, Arms, Clothes, or Accoutrements, shall undergo such Weekly Stoppages (not exceeding the Half of his Pay) as a Court-martial shall judge sufficient for repairing the Loss or Damage; and shall suffer Imprisonment, or such other corporal Punishment, as his Crime shall deserve.

ART. III.
The Penalty if a Soldier sell or spoil his Arms, &c.

Every

ART. IV.

The Penalty if
a Non-com-
missioned Of-
ficer embezzle,
&c. the Pay of
the Men un-
der his Com-
mand, or the
Inlisting-mo-
ney, with
which he is in-
trusted.

Every Non-commissioned Officer who shall be convicted at a General or Regimental Court-martial, of having embezzled or misapplied any Money, with which he may have been intrusted for the Payment of the Men under his Command, or for inlisting Men into Our Service, shall be reduced to serve in the Ranks as a private Soldier, be put under Stoppages until the Money be made good, and suffer such corporal Punishment (not extending to Life or Limb) as the Court-martial shall think fit.

ART. V.

The Captain
to be account-
able to his Co-
lonel for the
Arms, &c. of
his Company.

Every Captain of a Troop or Company is charged with the Arms, Accoutrements, Ammunition, Clothing, or other warlike Stores belonging to the Troop or Company under his Command, which he is to be accountable for to his Colonel, in case of their being lost, spoiled, or damaged, not by unavoidable Accidents, or on actual Service.

S E C T. XIV.

Of Duties in Quarters, in Garrison, or in the Field.

ALL Non-commissioned Officers and Soldiers, who shall be found One Mile from the Camp, without Leave in Writing from their Commanding Officer, shall suffer such Punishment as shall be inflicted upon them by the Sentence of a Court-martial.

No Officer or Soldier shall lie out of his Quarters, Garrison, or Camp, without Leave from his superior Officer, upon Penalty of being punished according to the Nature of his Offence by the Sentence of a Court-martial.

Every Non-commissioned Officer and Soldier shall retire to his Quarters or Tent at the Beating of the Retreat; in Default of which, he shall be punished according to the Nature

ART. I.

The Penalty if a Soldier be found one Mile from his Camp without Leave in Writing.

ART. II.

The Penalty of lying all Night Out of Camp or Quarters.

ART. III.

The Penalty if a Soldier do not retire to his Quarters at the Beating of the Retreat.

Nature of his Offence, by the Commanding Officer.

ART. IV.

The Penalty if a Soldier does not repair at the Time fixed to the Parade of Exercise, or other Rendezvous;

or of quitting his Guard, &c. without being dismissed, or relieved.

No Officer, Non-commissioned Officer, or Soldier, shall fail of repairing, at the Time fixed, to the Place of Parade of Exercise, or other Rendezvous appointed by his Commanding Officer, if not prevented by Sickness, or some other evident Necessity; or shall go from the said Place of Rendezvous, or from his Guard, without Leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished according to the Nature of his Offence, by the Sentence of a Court-martial.

ART. V.

The Penalty of Drunkenness.

Whatever Commissioned Officer shall be found drunk on his Guard, Party, or other Duty, under Arms, shall be cashiered for it; any Non-commissioned Officer or Soldier so offending, shall suffer such corporal Punishment as shall be inflicted by the Sentence of a Court-martial.

Whatever

ARTICLES OF WAR.

175

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer Death, or such other Punishment as shall be inflicted by the Sentence of a Court-martial.

ART. VI.

Penalty if a Centinel be found sleeping on his Post, or leaving it before he is relieved.

No Soldier belonging to any of Our Troops or Regiments of Horse or Foot Guards, or to any other Regiment of Horse, Foot, or Dragoons in Our Service, shall hire another to do his Duty for him, or be excused from Duty, but in case of Sickness, Disability, or Leave of Absence; and every such Soldier found guilty of hiring his Duty, as also the Party so hired to do another's Duty, shall be punished at the next Regimental Court-martial.

ART. VII.

The Penalty if a Soldier hire another to do his Duty.

And every Non-commissioned Officer conniving at such Hiring of Duty as aforesaid, shall be reduced for it; and every Commissioned Officer, knowing and allowing of such ill Practices in Our Service,

ART VIII.

The Penalty of an Officer's conniving at the Hiring of Duty.

shall be punished by the Judgement of a General Court-martial.

ART. IX.

The Penalty of making false Alarms in Camp, or Quarters.

Any Person belonging to Our Forces employed in any of Our Dominions beyond the Seas, or in Foreign Parts, who, by discharging of Fire Arms, drawing of Swords, beating of Drums, or by any other Means whatsoever, shall occasion false Alarms in Camp, Garrison, or Quarters, shall suffer Death, or such other Punishment as shall be Ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in Great Britain or Ireland, Jersey, Guernsey, Alderney, Sark, or Man, shall be punished at the Discretion of a General Court-martial.

ART. X.

The Penalty if an Officer or Soldier shall quit his Platoon or Division.

Any Officer or Soldier, who shall, without urgent Necessity, or without the Leave of his Superior Officer, quit his Platoon or Division, shall be punished according to the Nature of his Offence by the Sentence of a Court-martial.

No

No Officer or Soldier shall do Violence to any Person who brings Provisions or other Necessaries to the Camp, Garrison, or Quarters of Our Forces employed in Foreign Parts, on Pain of Death.

ART. XI.

The Penalty of doing Violence to any who bring Provisions to the Camp or Quarters.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death.

ART. XII.

The Penalty of misbehaving before the Enemy, &c.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like; or who, after Victory, shall quit his Commanding Officer, or Post, to plunder and pillage; every such Offender, being duly convicted thereof, shall be reputed a Disobeyer of Military Orders; and shall suffer Death, or such other Punishment as the Court shall think fit.

ART. XIII.

The Penalty of running away from the Enemy;

or speaking Words to induce others to do the like;

or of Plundering.

ARTICLES of WAR

shall be punished by the Judgement of a General Court-martial.

ART. IX.

The Penalty of making false Alarms in Camp, or Quarters.

Any Person belonging to Our Forces employed in any of Our Dominions beyond the Seas, or in Foreign Parts, who, by discharging of Fire Arms, drawing of Swords, beating of Drums, or by any other Means whatsoever, shall occasion false Alarms in Camp, Garrison, or Quarters, shall suffer Death, or such other Punishment as shall be Ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain or Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished at the Discretion of a General Court-martial.

ART. X.

The Penalty if an Officer or Soldier shall quit his Platoon or Division.

Any Officer or Soldier, who shall, without urgent Necessity, or without the Leave of his superior Officer, quit his Platoon or Division, shall be punished according to the Nature of his Offence by the Sentence of a Court-martial.

No Officer or Soldier shall do Violence to any Person who brings Provisions or other Necessaries to the Camp, Garrison, or Quarters of Our Forces employed in Foreign Parts, on Pain of Death.

ART. XI.

The Penalty of doing Violence to any who bring Provisions to the Camp or Quarters.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death.

ART. XII.

The Penalty of misbehaving before the Enemy, &c.

Whatsoever Officer or Soldier shall misbehave himself before the Enemy, and run away, or shamefully abandon any Fort, Post, or Guard, which he or they shall be commanded to defend, or speak Words inducing others to do the like; or who, after Victory, shall quit his Commanding Officer, or Post, to plunder and pillage; every such Offender, being duly convicted thereof, shall be reputed a Disobeyer of Military Orders; and shall suffer Death, or such other

ART. XIII.

The Penalty of running away from the Enemy;

or speaking Words to induce others to do the like;

or of Plundering.

M Punish-

Punishment as by a General Court-martial shall be inflicted on him.

ART. XIV.

The Penalty
of casting a-
way Arms or
Ammunition.

Any Person belonging to Our Forces employed in Foreign Parts, who shall cast away his Arms and Ammunition, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished at the Discretion of a General Court-martial.

ART. XV.

The Penalty
of making
known the
Watch-word,

or giving a
false one.

Any Person belonging to Our Forces employed in Foreign Parts, who shall make known the Watch-word to any Person who is not entitled to receive it according to the Rules and Discipline of War, or shall presume to give a Parole or Watch-word different from what he received, shall suffer Death, or such other Punishment as shall be ordered by the Sentence of a General Court-martial.

And whosoever shall be found guilty of the said Offence in *Great Britain, Ireland, Jersey, Guernsey, Alderney, Sark, or Man*, shall be punished at the Discretion of a General Court-martial.

All Officers and Soldiers are **ART. XVI.**
to behave themselves orderly in Quarters, and on their March; and whosoever shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fish-ponds, Houses, or Gardens, Corn-fields, Enclosures, or Meadows, or shall maliciously destroy any Property whatsoever belonging to any of Our Subjects, unless by Order of the then Commander in Chief of Our Forces to annoy Rebels, or other Enemies in Arms against Us, he or they that shall be found guilty of offending herein, shall (besides such Penalties as they are liable to by Law) be punished according to the Nature and Degree of the Offence, by the Judgement of a Regimental or General Court-martial.

Officers and private Men are to be orderly in Quarters, and on their March.

The Penalty of spoiling the Property of any Person, unless by Order to annoy the Enemy.

ART. XVII.

The Penalty
of forcing a
Safeguard.

ART. XVIII.

The Penalty
of relieving or
harbouring an
Enemy.

ART. XIX.

The Penalty of
holding Cor-
respondence
with, or giv-
ing Intelli-
gence to, the
Enemy.

ART. XX.

Publick Stores
to be secured
for His Ma-
jesty's Service.

ART. XXI.

Whosoever of Our Forces em-
ployed in Foreign Parts shall force
a Safeguard, shall suffer Death.

Whosoever shall relieve the Ene-
my with Money, Victuals, or Am-
munition, or shall knowingly har-
bour or protect an Enemy, shall
suffer Death, or such other Punish-
ment as by a Court-martial shall be
inflicted.

Whosoever shall be convicted of
holding Correspondence with, or
giving Intelligence to, the Enemy,
either directly or indirectly, shall
suffer Death, or such other Punish-
ment as by a Court-martial shall
be inflicted.

All Publick Stores taken in the
Enemies Camp, Towns, Forts, or
Magazines, whether of Artillery,
Ammunition, Clothing, Forage, or
Provisions, shall be secured for Our
Service; for the Neglect of which
Our Commanders in Chief are to
be answerable.

If any Officer or Soldier shall
leave his Post or Colours to go in
Search

Search of Plunder, he shall, upon being convicted thereof before a General Court-martial, suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

The Penalty of going in Search of Plunder.

If any Governor or Commandant of any Garrison, Fortress, or Post, shall be compelled by the Officers or Soldiers under his Command to give up to the Enemy, or to abandon it, the Commissioned Officers, Non-commissioned Officers, or Soldiers, who shall be convicted of having so offended, shall suffer Death, or such other Punishment as may be inflicted upon them by the Sentence of a Court-martial.

ART. XXII.

The Penalty of compelling the Commandant of any Fortress, or a Post, to give it up to the Enemy.

All Suttlers and Retainers to a Camp, and all Persons whatsoever serving with Our Armies in the Field, though no enlisted Soldiers, are to be subject to Orders, according to the Rules and Discipline of War.

ART. XXIII.

Suttlers and Retainers to the Camp to be subject to Military Orders.

Officers having Brevetts, or Commissions of a prior Date to those of

ART. XXIV.

Brevetts.

M 3 the

ARTICLES of WAR,

the Regiment in which they now serve, may take Place in Courts-martial and on Detachments, when composed of different Corps, according to the Rank given them in their Brevetts, or Dates of their former Commissions; but in the Regiment, Troop, or Company, to which such Brevett Officers, and those who have Commissions of a prior Date, do belong, they shall do Duty, and take Rank both on Courts-martial and on Detachments which shall be composed only of their own Corps, according to the Commissions by which they are mustered in the said Corps.

ART. XXV.

The eldest Officer is to command when any Troops of the Horse Guards and the Regiment of Horse Guards shall do Duty together;

If upon Marches, Guards, or in Quarters, any of Our Troops of Horse Guards, Grenadier Guards, or Regiment of Horse Guards, shall happen to join or do Duty together, the eldest Officer by Commission there, on Duty or in Quarters, shall command the Whole, and give out Orders for what is needful to Our Service;

ARTICLES of WAR.

183

Service; Regard being always had to the several Ranks of those Corps, and the Posts they usually occupy.

And in like Manner also, if any Regiments, Troops, or Detachments of Our Horse or Foot Guards shall happen to march with, or be encamped or quartered with any Bodies or Detachments of Our other Troops, the eldest Officer, without Respect to Corps, shall take upon him the Command of the Whole, and give the necessary Orders to Our Service.

ART. XXVI.

or when any of the Horse or Foot Guards shall do Duty with any other Corps.

When Our Regiments of Foot Guards, or Detachments from Our said Regiments, shall do Duty together, unmixed with other Corps, they shall be considered as One Corps; and the Officers shall take Rank and do Duty according to the Commissions by which they are mustered.

ART. XXVII.

The Foot Guards doing Duty unmixed, to be considered as One Corps; and the Officers to take Rank, &c. as they are mustered.

M 4 S E C T.

S E C T. XV.

Administration of Justice.

ART. I.

General
Court-martial
in Great Bri-
tain or Ireland.

A General Court-martial in Our Kingdoms of *Great Britain* or *Ireland*, shall not consist of less than Thirteen Commissioned Officers; and the President of such Court-martial shall not be the Commander in Chief, or Governor of the Garrison, where the Offender shall be tried, nor be under the Degree of a Field Officer.

ART. II.

General
Court-martial
in *Gibraltar*,
Minorca, *Goree*,
Senegal, or
other Places
beyond the
Seas.

A General Court-martial held in our Garrison of *Gibraltar*, Island of *Minorca*, or in any other Place beyond the Seas (except within the Garrisons of *Goree* and *Senegal*, or upon any Detachments made therefrom) shall not consist of less than Thirteen Commissioned Officers; but in the said Garrisons of *Goree* and *Senegal*, or upon Detachments made therefrom, a General Court-martial may consist of any Number of Commissioned Officers not less than Five; and the President shall

shall not be under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor shall in any Case whatever be the Commander in Chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Captain.

Whereas these Our Rules and ART. III.

Articles are to be observed by, and do in all Respects regard Our Troops and Regiments of Horse and Foot Guards, as well as Our other Forces; These Articles relate to the Horse and Foot Guards, as well as to other Forces.

and that several Disputes have arisen, and may arise, between the Officers of Our Horse and Foot Guards, in relation to their holding of Courts-martial, and also among the Officers of Our Troops of Horse Guards, Grenadier Guards, and Regiment of Horse Guards, on that and other Points of Duty; We do

therefore herein declare it to be Our Will and Pleasure, That when any Officer or Soldier belonging to Our said Troops of Horse Guards, Grenadier Guards, and Regiment of Horse Guards are concerned in Rules relating to Courts-martial, in Cases where the Horse or Grenadier Guards are concerned.

M 5 Grenadier

nadier Guards, or Regiment of Horse Guards, shall happen to be brought before a General Court-martial, for Differences arising purely among themselves, or for Crimes relating to Discipline, or Breach of Orders, such Courts-martial shall be composed of Officers serving in any or all of those Corps of Horse Guards (as they may then happen to lie for their being most conveniently assembled) where the Officers are to take Post according to the Dates and Degrees of Rank granted them in their respective Commissions, without Regard to the Seniority of Corps, or other formerly pretended Privileges.

ART. IV.

Rules relating
to Courts-
martial where
the Foot
Guards are
concerned.

In like Manner also, the Officers of Our Three Regiments of Foot Guards, when appointed to hold Courts-martial for Differences or Crimes as aforesaid, shall of themselves compose Courts-martial, and take Rank according to their Commissions; but for all Disputes or Differences which may happen be-

tween Officers or Soldiers belonging to Our said Corps of Horse Guards, and other Officers and Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of those Corps of Horse or Foot Guards, and Officers and Soldiers of Our other Troops, the Courts-martial to be appointed in such Cases shall be equally composed of Officers belonging to the Corps in which the Parties complaining and complained of do then serve; and the President to be ordered by Turns, beginning first by an Officer of One of Our Troops of Horse Guards; and so on in Course out of the other Corps.

The Members both of General and Regimental Courts-martial shall, when belonging to different Corps, take the same Rank which they hold in the Army; but when Courts-martial shall be composed of Officers of One Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps,

ART. V.

Members of Courts-martial are to take the same Rank at their Sitings as they hold in the Army.
Exception.

The

ART. VI.

Judge Advocate is to inform and prosecute.

The Judge Advocate General, or some Person deputed by him, shall prosecute in His Majesty's Name; and in all Trials of Offenders by General Courts-martial, administer to each Member the following Oaths:

The Oaths to be administered to the Members of all General Courts-martial.

YOU shall well and truly try and determine, according to your Evidence, the Matter now before you, between our Sovereign Lord the King's Majesty, and the Prisoner to be tried.

I A B do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act of Parliament, according to my Conscience, the best of my Understanding,

derstanding, and the Custom of War in the like Cases. And I do further swear, That I will not divulge the Sentence of the Court, until it shall be approved by His Majesty, or by some Person duly authorized by him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law.

And as soon as the said Oath shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or Person officiating as such, an Oath in the following Words:

The Judge Advocate to be sworn.

I A B do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence there-

The Oath.

of, as a Witness, by a Court of Justice, in a due Course of Law.

ART. VII.

Decency to be observed in Courts; and the youngest to give his Vote first.

All the Members of a Court-martial are to behave with Decency; and in the giving of their Votes, are to begin with the youngest.

ART. VIII.

Rules to be observed in the Proceedings of a General Court-martial.

All Persons who give Evidence before a General Court-martial are to be examined upon Oath; and no Sentence of Death shall be given against any Offender by any General Court-martial, except in the Garrisons of Goree and Senegal, or upon any Detachments made therefrom, unless Nine Officers present shall concur therein; nor shall such Sentence be given, in any Case, where a Court-martial shall consist of more Officers than Thirteen, nor within the Garrisons of Goree and Senegal, or upon any Detachments made therefrom, when a Court-martial shall consist of a lesser Number of Officers, without the Concurrence of Two Thirds of the Officers present.

ARTICLES of WAR.

191

No Field Officer shall be tried by any Person under the Degree of a Captain; nor shall any Proceedings or Trials be carried on excepting between the Hours of Eight in the Morning and of Three in the Afternoon, except in Cases which require an immediate Example.

ART. IX.

Rules to be observed in the Trial of Field Officers.

Hours of Trial.

No Sentence of a General Court-martial shall be put in Execution till after a Report shall be made of the whole Proceedings to Us, or to Our Commander in Chief, or some other Person duly authorized by Us under Our Sign Manual to confirm the same, and Our or his Directions shall be signified thereupon; excepting in *Ireland*, where the Report is to be made to the Lord Lieutenant, and to Our Chief Governor or Governors of that Kingdom, and his or their Directions are to be received thereupon.

ART. X.

Rules to be observed before Execution of the Sentence of a General Court-martial.

For the more equitable Decision of Disputes which may arise between Officers and Soldiers belonging to different Corps, whether they be of Our Troops, or Regiment

ART. XI.

Rules to be observed in composing the Members of Courts-martial.

of Horse Guards, Our Three Regiments of Foot Guards, or Our other Regiments of Horse or Foot, We direct, That the Courts-martial shall be equally composed of Officers belonging to the Corps in which the Parties in Question do then serve; and that the Presidents shall be taken by Turns, beginning with that Corps which shall be eldest in Rank.

ART. XII.

Every Regiment may hold a Regimental Court-martial for Trial of lesser Offences.

The Commissioned Officers of every Regiment may, by the Appointment of their Colonel or Commanding Officer, hold Regimental Courts-martial for the enquiring into such Disputes, or Criminal Matters, as may come before them, and for the inflicting corporal Punishments for small Offences, and shall give Judgement by the Majority of Voices; but no Sentence shall be executed till the Commanding Officer (not being a Member of the Court-martial) or the Governor of the Garrison, shall have confirmed the same.

No.

ARTICLES of WAR.

193

No Regimental Court-martial shall consist of less than Five Officers, excepting in Cases where that Number cannot be conveniently assembled, when Three may be sufficient; who are likewise to determine upon the Sentence by the Majority of Voices; which Sentence is to be confirmed by the Commanding Officer, not being a Member of the Court-martial.

ART. XIII.

Rules to be observed in Regimental Courts-martial.

Every Officer commanding in any of Our Forts, Castles, or Barracks, or elsewhere, where the Corps under his Command consists of Detachments from different Regiments, or of Independent Companies, may assemble Courts-martial for the Trial of Offenders in the same Manner as if they were Regimental, whose Sentence is not to be executed till it shall be confirmed by the said Commanding Officer.

ART. XIV.

Officers commanding in Forts, or Barracks, may appoint Regimental Courts-martial.

No Commissioned Officer shall be cashiered or dismissed from Our Service, excepting by an Order

ART. XV.

No Commissioned Officer may be cashiered, but

N

from

by Order of
His Majesty,
or by a General Court-
martial.

from Us, or by the Sentence of a General Court-martial, approved by Us, or by some Person having Authority from Us, under Our Sign Manual; but Non-commissioned Officers may be discharged as private Soldiers, and, by the Order of the Colonel of the Regiment, or by the Sentence of a Regimental Court-martial, be reduced to private Centinels.

ART. XVI.

The Penalty
of menacing
Words, Gestures, or Disturbances, before a Court-martial.

No Person whatever shall use menacing Words, Signs, or Gestures, in the Presence of a Court-martial then sitting, or shall cause any Disorder or Riot, so as to disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court-martial.

ART. XVII.

How a Commanding Officer is to proceed when an Officer is put in Arrest, or Soldier committed to Custody.

To the End that Offenders may be brought to Justice, We hereby direct, That whenever any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his Commanding Officer, if an Officer, be put in Arrest; if a Non-

Non-commissioned Officer or Soldier, be imprisoned till he shall be either tried by a Court-martial, or shall be lawfully discharged by a proper Authority.

No Officer or Soldier who shall be put in Arrest or Imprisonment shall continue in his Confinement more than Eight Days, or till such Time as a Court-martial can be conveniently assembled.

ART. XVIII.

The Time limited for Confinement.

No Officer commanding a Guard, or Provost-martial, shall refuse to receive, or keep any Prisoner committed to his Charge, by any Officer belonging to Our Forces; which Officer shall, at the same Time, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

ART. XIX.

Officer of the Guard, or Provost-martial, to receive Prisoners.

No Officer commanding a Guard, or Provost-martial, shall presume to release any Prisoner committed to his Charge, without proper Authority for so doing; nor shall he suffer any Prisoner to escape, on the Pe-

ART. XX.

The Penalty of an Officer, or Provost-martial, release a Prisoner without Orders.

nalty of being punished for it by the Sentence of a Court-martial.

ART. XXI.

Prisoners
Names and
Crimes to be
returned with-
in 24 Hours.

Every Officer or Provost-martial to whose Charge Prisoners shall be committed, is hereby required, within Twenty-four Hours after such Commitment, or as soon as he shall be relieved from his Guard, to give in Writing to the Colonel of the Regiment to whom the Prisoner belongs (where the Prisoner is confined upon the Guard belonging to the said Regiment, and that his Offence only relates to the Neglect of Duty in his own Corps) or to the Commander in Chief, their Names, their Crimes, and the Names of the Officers who committed them, on the Penalty of his being punished for his Disobedience or Neglect, at the Discretion of a Court-martial.

ART. XXII.

The Penalty
if an Officer
break his
Arrest.

And if any Officer under Arrest shall leave his Confinement, before he is set at Liberty by the Officer who confined him, or by a superior Power, he shall be cashiered for it.

Whatso-

Whatsoever Commissioned Officer shall be convicted before a General Court-martial, of behaving in a scandalous infamous Manner, such as is unbecoming the Character of an Officer and a Gentleman, shall be discharged from Our Service.

ART. XXIII.

Officers convicted of ill Behaviour to be cashiered.

SECT. XVI.

Entry of Commissions.

ALL Commissions granted by Us, or by any of Our Generals having Authority from Us, shall be entered in the Books of Our Secretary at War, and Commissary-general, otherwise they will not be allowed of at the Musters.

All Commissions to be entered.

SECT. XVII.

Effects of the Dead.

ART. I.

The Major to
take care of
an Officer's Ef-
fects when he
dies;

WHEN any Commissioned Officer shall happen to die, or be killed in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure all his Effects or Equipage then in Camp or Quarters; and shall before the next Regimental Court-martial make an Inventory thereof, and forthwith transmit the same to the Office of Our Secretary at War, to the End that his Executors may, after Payment of his Debts in Quarters, and Interment, receive the Overplus, if any be, to his or their Use.

ART. II.

and the Com-
manding Of-
ficer, of any
private Man's
Effects.

When any Non-commissioned Officer, or private Soldier shall happen to die, or to be killed in Our Service, the then Commanding Officer of the Troop or Company shall,

shall, in the Presence of Two other Commissioned Officers, take an Account of whatever Effects he dies possessed of, above his Regimental Clothing, Arms, and Accoutrements, and transmit the same to the Office of Our Secretary at War; which said Effects are to be accounted for, and paid to, the Representative of such deceased Non-commissioned Officer or Soldier. And in case any of the Officers, so authorised to take care of the Effects of dead Officers and Soldiers, should, before they shall have accounted to their Representatives for the same, have Occasion to leave the Regiment, by Preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the Hand of the Commanding Officer, or of the Agent of the Regiment, all the Effects of such deceased Non-commissioned Officers and Soldiers, in order that the same may be secured for, and paid to, their respective Representatives.

S E C T. XVIII.

Artillery.

ART. I.

These Rules
to be observed
by the Officers
and others of
the Trains of
Artillery.

ALL Officers, Conductors, Gunners, Matrosses, Drivers, or any other Persons whatsoever receiving Pay or Hire in the Service of Our Artillery, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by Courts-martial, in like Manner with the Officers and Soldiers of Our other Troops.

ART. II.

Courts-martial to be held by them.

For Differences arising amongst themselves, or in Matters relating solely to their own Corps, the Courts-martial may be composed of their own Officers, but where a Number sufficient of such Officers cannot be assembled, or in Matters wherein other Corps are interested, the Officers of Artillery shall sit in Courts-martial with the Officers of Our other Corps, taking their Rank according to the Dates of their respective Commissions, and no otherwise.

S E C T.

S E C T. XIX.

American Troops.

TH E Officers and Soldiers of **ART. I.**
 any Troops which are or Troops raised
 in America,
 when acting in
 Conjunction
 with British
 Forces, to be
 governed by
 these Articles,
 shall be raised in *America*, being
 mustered and in Pay, shall, at all
 Times, and in all Places, when
 joined, or acting in Conjunction
 with Our *British* Forces, be go-
 verned by these Rules or Articles
 of War; and shall be subject to be
 tried by Courts-martial in like
 Manner with the Officers and Sol-
 diers of Our *British* Troops.

Whereas, notwithstanding the **ART. II.**
 Regulations which We were pleased
 to make for settling the Rank of
 Provincial General and Field Of-
 ficers in *North America*, Difficulties
 have arisen with regard to the Rank
 of the said Officers when acting
 in Conjunction with Our Regular
 Forces; and We being willing to
 give

Provincial
General and
Colonels, when
employed on
Detachments,
Courts-mar-
tial, or other
Duty, in Con-
junction with
the Regular
Forces, are to
take Rank
next after all
Colonels hav-
ing the King's
Commission;

and, in like
Manner, the
Lieutenant
Colonels, Ma-
jors, Captains,
&c. in the
Provincial
Troops, are to
take Rank
next after all
Officers of like
Rank in the
Regular
Forces.

give due Encouragement to Of-
ficers serving in Our Provincial
Troops, it is Our Will and Plea-
sure, That, for the future, all Gene-
ral Officers and Colonels serving by
Commission from any of the Go-
vernors, Lieutenant or Deputy
Governors, or Presidents of the
Council for the Time being of Our
Provinces and Colonies in *North
America*, shall, on all Detach-
ments, Courts-martial, or other
Duty, wherein they may be em-
ployed in Conjunction with Our
Regular Forces, take Rank next af-
ter all Colonels serving by Commis-
sions signed by Us, though the
Commissions of such Provincial Ge-
nerals and Colonels should be of
elder Date: And, in like Manner,
that Lieutenant Colonels, Majors,
Captains, and other inferior Officers
serving by Commission from the
Governors, Lieutenant or Deputy
Governors, or Presidents of the
Council for the Time being of Our
said

said Provinces and Colonies in *North America*, shall, on all Detachments, Courts martial, or other Duty, wherein they may be employed in Conjunction with Our Regular Forces, have Rank next after all Officers of the like Rank serving by Commissions signed by Us, or by Our General commanding in Chief in *North America*, though the Commissions of such Lieutenant Colonels, Majors, Captains, and other inferior Officers, should be of elder Date to those of the like Rank signed by Us, or by Our said General.

SECT. XX.

Relating to the foregoing Articles.

THE foregoing Articles are to be read and published Once in every Two Months, at the Head

ART. I.

These Articles to be read Once in every Two Months.

ARTICLES of WAR.

Head of every Regiment, Troop, or Company, mustered or to be mustered in Our Service; and are to be duly observed and exactly obeyed by all Officers and Soldiers who are or shall be in Our Service, (excepting in what relates to the Payment of Soldiers Quarters, and to Carriages, which is, in Our Kingdom of *Ireland*, to be regulated by the Lord Lieutenant or Chief Governor or Governors thereof) and in Our Islands, Provinces, and Garrisons beyond the Seas, by the respective Governors of the same, according as the different Circumstances of the said Islands, Provinces, or Garrisons may require.

ART. II.

Courts-martial may punish Criminals in Places beyond the Seas, where there is no Civil Judicature in Force, for Offences not punishable by these Articles.

Notwithstanding its being directed in the Eleventh Section of these Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magistrate all such Persons under his Command who shall be accused of any Crimes which are punishable by the known Laws

Laws of the Land; yet in Our Garrison of *Gibraltar*, Island of *Minorca*, Forts of *Placentia* and *Annapolis Royal*, where Our Forces now are, or in any other Place beyond the Seas, to which any of Our Troops are or may be hereafter commanded, and where there is no Form of Our Civil Judicature in Force, the Generals or Governors, or Commanders respectively, are to appoint General Courts-martial to be held, who are to try all Persons guilty of Wilful Murder, Theft, Robbery, Rapes, Coining, or Clipping the Coin of *Great Britain*, or of any Foreign Coin current in the Country or Garrison, and all other Capital Crimes, or other Offences, and punish Offenders with Death, or otherwise, as the Nature of their Crimes shall deserve.

All Crimes not Capital, and all Disorders, or Neglects, which Officers and Soldiers may be guilty of, to the Prejudice of good Order

ART. III.

A Court-martial may take Cognizance of Offences,

though not
mentioned in
these Articles.

and Military Discipline, though not mentioned in the above Articles of War, are to be taken Cognizance of by a General or Regimental Court-martial, according to the Nature and Degree of the Offence, and be punished at their Discretion.

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61
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I N D E X.

	Page
SECT. I. <i>Divine Worship</i>	141
SECT. II. <i>Mutiny</i>	144
SECT. III. <i>Of Inlisting Soldiers</i>	146
SECT. IV. <i>Musters</i>	148
SECT. V. <i>Returns</i>	152
SECT. VI. <i>Desertion</i>	154
SECT. VII. <i>Quarrels and sending Challenges</i>	156
SECT. VIII. <i>Suttling</i>	158
SECT. IX. <i>Quarters</i>	160
SECT. X. <i>Carriages</i>	165
SECT. XI. <i>Of Crimes punishable by Law</i>	166
SECT. XII. <i>Of redressing Wrongs</i>	168
SECT. XIII. <i>Of Stores, Ammunition, &c.</i>	170
SECT. XIV. <i>Of Duties in Quarters, in Gar- rison, or in the Field</i>	173
SECT. XV. <i>Administration of Justice</i>	184
SECT. XVI. <i>Entry of Commissions</i>	197
SECT. XVII. <i>Effects of the Dead</i>	198
SECT. XVIII. <i>Artillery</i>	200
SECT. XIX. <i>American Troops</i>	201
SECT. XX. <i>Relating to the foregoing Articles</i>	203

F I N I S.

I N D E X

SECT. I.	General Introduction
SECT. II.	Of the Nature and Extent of the Empire
SECT. III.	Of the Climate and Soil
SECT. IV.	Of the Agriculture
SECT. V.	Of the Commerce
SECT. VI.	Of the Manufactures
SECT. VII.	Of the Population
SECT. VIII.	Of the Laws and Government
SECT. IX.	Of the Religion
SECT. X.	Of the Education
SECT. XI.	Of the Military
SECT. XII.	Of the Naval
SECT. XIII.	Of the Colonies
SECT. XIV.	Of the Foreign Relations
SECT. XV.	Of the Internal Administration
SECT. XVI.	Of the Public Revenue
SECT. XVII.	Of the Public Debt
SECT. XVIII.	Of the Public Works
SECT. XIX.	Of the Public Education
SECT. XX.	Of the Public Religion



